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# The Provincial Committees of Safety of the American Revolution

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## PREFATORY NOTE.

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**I**N the following study of the Committees of Safety the interest of the historical student rather than that of the general reader has been kept in view. The object has been to present in some detail an account of the activity of these revolutionary executives in the separate states, in order that the student of the individual commonwealths, as well as those interested in the Revolution as a whole may find, ready to hand, the essence of a mass of original material. It is hoped, however, that the battles which these Committees fought behind the scenes with poverty, inertia, discouragement and fear, may not prove uninteresting to any lover of American History.



# THE PROVINCIAL COMMITTEES OF SAFETY IN THE AMERICAN REVOLUTION.

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## CHAPTER I.—NEW ENGLAND.

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### I. MASSACHUSETTS.

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When the American colonists laid by the petition for the musket, prepared to put their strength to the test in defense of their rights, the machinery of the English colonial governments was hampered, and at length rendered helpless by the withdrawal of popular support. That government rested on the supremacy of England over her dependencies, enforced by governors and other royal officials, but workable only with the co-operation of the colonists in their assemblies. When discontent rose to rebellion, the government, comprising two irreconcilable elements in the governors and assemblies, came of necessity to a standstill. The executive attempted to silence the insurrection by dissolving the assemblies, but the people found other channels of expression. Representatives to provincial conventions were elected and gradually assumed entire control.

These conventions served the purpose of deliberative and legislative bodies as well as the former assemblies, but it was difficult for them to perform executive duties on account of their size. Moreover it was impossible to keep such large bodies continually in session, and in the frequent recesses and the intervals between a dissolution and the meeting of a new congress there was need of some system by which the government could be carried on without interrup-

tion. It was to meet these wants that the conventions appointed Committees of Safety during the earlier years of the Revolution. They served as the chief executive of the province in the transition period from colonial to state government.

Opposition culminated early in Massachusetts and that province was the first to choose a Committee of Safety. The spirit of resistance ran high in Boston in the fall of 1774. The white tents of the British on the Common, the cannon that Gage had planted to command the town, the fleet riding in the harbor, brought no thought of submission to the people; rather they were used as effective illustrations by their leaders to point the wrongs of the colonists and the tyranny of England. A martial spirit had sprung up; the people brought together arms and ammunition and drilled in small companies. The situation was discussed in club, convention and committee, and acceptance of armed resistance if necessary was the common outcome of their deliberations.

Alarmed at the firmness displayed by the people and their preparations for defense, Gage felt it unsafe to allow the General Court to meet and issued a proclamation discharging the members from attendance. But the colonists refused to be denied expression at this critical moment. Ninety of the delegates assembled at the time appointed for the Assembly, October 5, 1774, and finding the Governor unwilling to recognize them, formed themselves into a Provincial Congress.<sup>1</sup> A committee was chosen October 20, to consider what was necessary for the safety and defense of the Province<sup>2</sup> and their report was given and accepted on the twenty-sixth.

The Committee reviewed the grievances of the colonies, and while it denied somewhat too strenuously that the people had the most distant idea of attacking or molesting the King's troops in any way, it was held that the necessity of

<sup>1</sup> Journals of the Mass. Prov. Cong. p 7.

<sup>2</sup> Ibid, p 23.



providing against possible contingencies dictated the following measures: first, the appointment of a Committee of Safety to continue in office until further order, whose duty it was to be to keep careful watch of any person attempting "the destruction, invasion, detriment, or annoyance of the province." The Committee or any five of its number (providing not more than one was a citizen of Boston) were authorized, whenever they judged the safety of the people required, to call out the militia to such places as they thought fit, to see that the men were well armed, equipped and provisioned and to keep them in service as long as necessary. All officers and soldiers were earnestly requested to give obedience to the commands of the Committee; second, the appointment of a Committee of Supplies to make provisions for the reception and support of the troops if called out, and to purchase without delay, for the Colony, cannon, small arms and ammunition; third, the appointment of general officers to command the forces. The militia were recommended to choose company officers and to enlist minute-men ready to march at the first call of the Committee of Safety. The inhabitants were urged to perfect themselves in military discipline and to provide arms and powder.<sup>3</sup>

These proposals spoke plainly of war. The Congress foresaw its probability and was determined to meet it well prepared. It was left with the Committee of Safety to take the decisive step of calling the troops into the field and of turning the struggle from passive resistance to civil war. Like a sentinel it was to watch the approach of the enemy and give the signal for attack.

The Committee was chosen on October 27, 1774, and was composed of nine members, three from Boston and six from the country districts.<sup>4</sup> It existed until February 9, 1775, when a new Committee of Safety was chosen of eleven

<sup>3</sup> Journals of the Mass. Prov. Cong. pp 32, 33, 35.

<sup>4</sup> Ibid, p 35.

members, most of them, however, identical with those of the first appointment. As time passed and the situation became more critical the Provincial Congress realized the danger of leaving entirely to the Committee of Safety the decision of the grounds and time for resistance. In this second appointment therefore the Committee was authorized to call out the militia only if an attempt were made to execute by force the two laws, "for the Better Government of Massachusetts," and "for the Impartial Administration of Justice."<sup>5</sup> Even as thus limited the discretionary power of the Committee was large. What constituted a forcible attempt to carry out the laws might be open to dispute, and the Committee might give the signal on too slight occasion. The support of the other colonies was not assured, while weighed with England in numbers, resources and military skill, Massachusetts hung but lightly in the balance. The thought that the Committee, in its confidence and enthusiasm, might force the conflict prematurely, made the more thoughtful afraid of its power. Joseph Hawley, a member of the Provincial Congress, wrote from Northampton on February 22, 1775, "I have been most seriously contemplating the commission and most important trust of our Committee of Safety, and especially that branch of it which relates to their mustering the minute-men, and others of the militia.....the soldiers when thus mustered.....will suppose it their duty to fight.....they will suppose the continent to have devolved the resolution of that question upon this province, and that this province has devolved it on the Committee of Safety and that the Committee by calling them, have decided it. ....Thus hostilities will be commenced.....I beg of you therefore, as you love your country, to use your utmost influence with our Committee of Safety that the people be not mustered, and hostilities be not commenced, until we have the express categorical decision of the continent, that the time is absolutely come that hostilities ought to com-

<sup>5</sup> Journals of the Mass. Prov. Cong. p 90.

mence."<sup>6</sup> Events, however, demanded positive action of Massachusetts too soon to obtain such united assent.

The Committee of Safety came together for the first time November 7, 1774. There seems to have been no doubt in the minds of the members from the first that the outcome of events was to be war. The first day the Committee of Supplies was recommended to buy large amounts of pork, flour, rice and other provisions, and store them at Worcester and Concord.<sup>7</sup> In the following week, spades, shovels, mess-bowls, fuses, cannon and ball were collected and deposited at the two places. On February 23, 1775, the Committee ordered the officers to assemble one-fourth of the militia, not for a general muster, but in order that the troops might meet for drill throughout the Province.<sup>8</sup>

Afraid that Gage would attempt to capture the war stores that had been collected, the Committee appointed watches on March fourteenth and fifteenth, to guard them. Teams were kept in readiness to remove them and couriers provided to alarm the towns on the first news of a hostile movement of the British.<sup>9</sup>

On the eighteenth of April the Committee of Safety was in session at a tavern in Menotomy (now Arlington). After the sitting, two of the members, Mr. Devens and Mr. Watson, left the others to go to Charlestown, but meeting an unusual number of British officers on the road, turned back to alarm their comrades. Later in the evening Devens received certain information that the enemy were in motion, and went at once to warn Gerry, Hancock, and Adams. He then started Paul Revere on his ride to Lexington and Concord. Through his efforts and those of the other couriers employed by the Committee, Gage's secret was the property of the country side before morning.<sup>10</sup>

<sup>6</sup> Joseph Hawley to Thomas Cushing: *Journals of the Mass. Prov. Cong.* p 748.

<sup>7</sup> During the first months the Committee of Safety and Committee of Supplies sat together. *Journals of the Mass. Prov. Cong.*, p. 505.

<sup>8</sup> *Journals of the Mass. Prov.* p 510. Frothingham's Warren p 420.

<sup>9</sup> *Journals of the Mass. Prov. Cong.* p 513.

<sup>10</sup> Narrative of Richard Devens, quoted in Frothingham's *Siege of Boston* p 57.

The battle of Lexington marks the opening of the war and the Committee of Safety bent its energies to raise forces and concentrate them around Boston as rapidly as possible. The Provincial Congress was not in session and responsibility in the crisis rested with the Committee. On the day after the battle a circular letter was sent to the different Massachusetts towns, telling the news, and setting forth in the strongest terms the need of an army, and begging them to encourage the enlistment of soldiers and to send them forward to Cambridge.<sup>11</sup> They determined to raise eight thousand capable men from the Massachusetts forces, to organize them into regiments and place them under proper discipline. In this way, it was hoped, the nucleus of an efficient army would be formed.<sup>12</sup> Troops were asked from Connecticut and Rhode Island, and the New Hampshire men in the Province were enlisted in the Massachusetts regiments.

The Provincial Congress met on the twenty-second of April and took general control of affairs, sending for the Committee of Safety to report on the situation and to present whatever plans it had in readiness.<sup>13</sup> Throughout the session the Committee made frequent suggestions to the legislature and its advice was usually adopted. Occasionally the Congress referred matters to the Committee for consideration, asking it, for example, to form a plan for the establishment of the army, to decide on the expediency of removing war stores from the coast, or to report on the advisability of a further issue of paper money.<sup>14</sup> As the Congress sat usually at Watertown and the Committee at Cambridge, where the troops were collecting, much trouble and loss of time was involved in carrying messages between the two places, and the Committee was often too busy to attend to the questions of the Congress until the

<sup>11</sup> Journals of the Mass. Prov. Cong. p 518. The Provincial Congress adjourned April 15, 1775 and reopened April 22.

<sup>12</sup> Ibid, p 520.

<sup>13</sup> Journals of the Mass. Prov. Cong. p 148.

<sup>14</sup> Ibid, pp 148, 210, 464, 588.

second or even the third request. That, in spite of difficulties, the Congress took pains to consult it is evidence of the reliance placed on its judgment and its position of leadership.<sup>15</sup>

In the weeks following the battle of Lexington an army was gathered. The Committee issued enlistment orders, assigned to the towns the quota of men they were to raise, and ordered them to be ready to move at a moment's notice, or to march at once to Cambridge. The Committee saw that cannon and entrenching tools were collected and repaired. All was made ready for the siege of Boston. The Selectmen and Committee of Correspondence of Chelsea were directed to prevent any food from reaching the city and the Committee of Safety granted or denied permission to enter it.<sup>16</sup> The Committee did not give attention to Massachusetts alone. Benedict Arnold laid before it a plan for taking Ticonderoga, and it furnished him with powder, ball, flints, and horses. The expedition was sent under its authority and Arnold was directed to draw on it for expenses.<sup>17</sup>

On May 19, 1775, the Committee received fresh powers, as it was felt the change in times rendered its former authority inadequate. Its new commission authorized it to call out the militia whenever, and for as long as it saw fit, and to station them where it thought best. All officers were required to give the Committee obedience. Any command of the Committee of Safety was, however, subject to the control of the Provincial Congress. The Committee was to recommend for commissions to the Congress those officers whose regiments were fully or nearly completed, but in the recess of Congress the Committee might give the commissions itself.<sup>18</sup> The Committee of Safety was thus made Commander-in-Chief of the provin-

<sup>15</sup> Journals of the Mass. Prov. Cong. p 173.

<sup>16</sup> Journals of the Mass. Prov. Cong. pp 520, 521, 525, 526, 528, 529, 533, 540, 548, etc.

<sup>17</sup> Ibid, pp 531, 534.

<sup>18</sup> Journals of the Mass. Cong. pp 241, 242.

cial troops, subject, however, to the control of the legislature. In consequence of this limitation, the natural fruit of long colonial distrust of executive authority, the Committee was careful to consult with the Congress before taking steps of importance, and thus its freedom of initiative was unfortunately checked to a considerable degree.

The Committee showed itself ready to consult with the officers, whose knowledge might be more direct than its own, and to accept their advice. For instance, the Council of War having decided that two thousand men were necessary to reinforce the army at Roxbury, the Committee of Safety at once issued orders to the militia officers of the neighboring towns to march to that place. Again, representatives of the Committee deliberated with the Council of War and some of the general officers on the question of securing Bunker Hill and Dorchester Neck.<sup>19</sup> But though willing to consult with the army the Committee was as punctilious as a Long Parliament in upholding the ultimate superiority of the civil over the military power. For example, the Provincial Congress directed the Committee of Safety to deliver the small arms to those officers who should present orders for them from General Ward. Thereupon General Ward issued an order to the Committee to deliver the arms to those officers that made application for them. The Committee at once objected. Ward might order his officers to come for the arms; he had no right to order the Committee to deliver them. That power rested only with the Provincial Congress. It was a matter of vast importance, the Committee held, that no orders should be issued by the military to the civil power. Nevertheless at this moment public peril was felt to outweigh constitutional principle, and the Committee, in good Anglo-Saxon manner, having by protest prevented the establishment of a dangerous precedent, consented to give out the arms.<sup>20</sup>

<sup>19</sup> Journals of the Mass. Prov. Congress pp 540, 568.

<sup>20</sup> Journals of the Mass. Prov. Cong. p 580.



After the first months the Committee of Safety and the Committee of Supplies acted as separate and independent bodies; an uneconomical arrangement, since the Committee of Safety, as commander of the troops was in the best position to know what quantities of food, clothing and other supplies were needed, and where they could be used to the best advantage. Instead the Committee of Supplies acted on its own initiative and the Committee of Safety could do no more than occasionally recommend measures to its notice. In the other colonies the Committee of Supplies was generally subject to the Committee of Safety or the latter was given its duties as part of its own commission.

The trial of suspected Tories lay properly outside the powers of the Committee, and it disliked to deal with them for this reason, referring the cases if possible to the Provincial Congress and recommending the appointment of a special court of inquiry.<sup>21</sup> The Committee was exceedingly careful not to go beyond its commission for any reason and constantly refused to touch matters not expressly delegated to it, except in case of necessity, while constantly recommending measures to the Congress that seemed advisable. The commission of the Committee gave it no general discretionary power to act for the public good. In one respect, however, it was more free than the Committees in some of the other colonies. Unless directed to do so in acting on some special resolution of the Congress it was not obliged to submit its proceedings to that body. July 13, 1775, the last Committee of Safety of Massachusetts was appointed. The Colony had decided to go back as nearly as possible to its charter government, to call an assembly and to elect from this body a number of councillors. The Provincial Congress provided for the election of the new legislature, chose a new Committee of Safety to act in the interval before the assembly met and disbanded. The Committee's former commission was abrogated and the new Com-

<sup>21</sup> Journals of the Mass. Prov. Congress p 262, 263.

mittee given full power, until the thirteenth of July or until the Assembly took away its authority to assemble or discharge the militia on application of the Commander-in-Chief of the Continental Army or at its own discretion. The power of directing the forces was no longer given to it, but to the continental commander. The Committee was to procure and employ all such armorers and artificers as were needed by the troops, and to execute all duties given the former Committee by particular resolves of the Congress. It was to provide for the poor of Boston and Charlestown and if possible to prevent infection from small-pox being communicated by persons from the former town. The trial and disposal of prisoners of war and Tories was at this time definitely assigned to the Committee. It was also directed to care for any interests not otherwise provided for, thus being given a freer hand than formerly to provide for the general welfare. If necessary it might reassemble the Provincial Congress before the Assembly met.<sup>22</sup>

The journal of this Committee of Safety has been lost. Its life was brief, as the new House of Representatives met July 19, 1775. Then, without being formally dissolved, the Committee ceased to act, its place being taken partly by the Councillors, partly by different committees appointed by the legislature.<sup>23</sup>

<sup>22</sup> Journals of the Mass. Prov. Cong. pp 498, 499.

<sup>23</sup> American Archives, 4th Series, Vol. II. p 277 et seq.



## 2. NEW HAMPSHIRE.

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New Hampshire was left in a more difficult position than Massachusetts, when it abandoned the royal government, since it had no well-known charter which it could revive and utilize. Instead, it was obliged to feel its way tentatively toward a permanent constitution, and temporary expedients were employed longer. The last assembly of the old régime met in July, 1775. It adjourned to September, but was prorogued by the Governor until the following April. The Revolution had then risen too high to be opposed. Governor Wentworth was a fugitive and a Provincial Congress was assuming the direction of affairs.

On May 20, 1775, this body passed resolutions stating the necessity of raising two thousand militia and appointing five men a Committee of Safety. A Committee of Supplies was chosen at the same time, as in Massachusetts, and the instruction of both deferred until the next week.<sup>1</sup>

On May 26, the following commission was given the Committee of Safety. It was empowered and directed in the recess of the Provincial Congress to take into consideration all matters in which the welfare of the Province in the security of its rights was concerned except the appointment of field officers, and to take the utmost care that the public sustained no harm. It was to carry out in whatever way it saw fit, those plans which the Congress had not intrusted to others; if any exigency required immediate attention, such as marching troops to repel an invasion, or directing the movements of the militia, either within or without the Province, or making use of any special opportunity for securing military stores or important posts, or preventing them from falling into the enemy's

<sup>1</sup> N. H. Provincial Papers, VII. p 477, 478.

hands, the Committee was to take the most prudent and effectual methods to accomplish these or similar results. It was empowered to apply to the Committee of Supplies for the necessary stores, provisions, etc.<sup>2</sup> It was thus an executive body for the Colony with large discretionary powers. As Belknap says, its charge recalls that given the Roman dictators, "Ne quid detrementi republica capiat."<sup>3</sup> It lacks definiteness as compared with the instructions of the Massachusetts Committee which was formed for the specific purpose of raising and equipping the militia and giving the signal for attack.

The general powers of the New Hampshire Committee were supplemented by special duties delegated to it from time to time, by the Provincial Congress. The Committee interpreted its authority broadly, and did not hesitate to take the initiative in measures which the welfare of the Province seemed to demand. It was appointed anew by each Congress or by the Council and House of Representatives after the constitution of 1776 went into effect, and existed until May 29, 1784. Then the war being over and an executive provided by the new constitution of that year, the needs which had called the Committee into existence disappeared. The powers conferred on each Committee were practically the same, so that it came to assume the character of an institution.

The Provincial Congress consisted of a single chamber, with no separate executive, and during the year 1775 the Committee of Safety supplied the deficiency, serving also as a representative of the Congress in its recess. In January, 1776, the Provincial Congress resolved itself into a House of Representatives, and a Council of twelve was appointed, which in turn chose a president to act as its presiding officer. The Council, however, adjourned and dissolved at the same time as the lower house, and Committees

<sup>2</sup> N. H. Provincial Papers, VII. 485.

<sup>3</sup> Belknap's History of New Hampshire II. 395.

of Safety were appointed to carry on the government in these interims during the years from 1776 to 1778. From 1779 on, while the Committees continued to perform this function, the press of executive duties compelled them to hold sessions coincident with those of the Assembly so that they were practically a permanent body during this time. The Committee was most active from 1775-1783. After that date it was chiefly engaged in settling claims against the State, and had sunk in importance.

The commissions granted the different Committees of Safety at the time of their appointment were brief and indefinite. It was stated that they were to transact the business of the legislature in its recess and to have such powers as previous Committees had exercised. Sometimes no empowering clause appears, the duties of such a Committee being taken for granted.<sup>4</sup> The commissions were enlarged, however, by resolutions of the legislature, made from time to time, outlining particular work.

In the hands of the Committee was placed the raising and maintaining of the troops. It gave out orders to enlist soldiers and to make returns, following the same methods as Massachusetts, and not hesitating to employ the draft.<sup>5</sup> It appointed places of rendezvous and directed the movements of the militia and sent troops at the request of continental officers, to act outside the State. It recommended field officers and appointed and commissioned other officers.<sup>6</sup> It also appointed surgeons and chaplains. The troops were discharged on its order.<sup>7</sup> This power extended to officers as well as men, and on September 4, 1779, we find it resolving that all officers, civil or military, who refused the oath of fidelity to the State ought not only to be dismissed from office but to be incapable of reappointment.<sup>8</sup>

<sup>4</sup> N. H. Provincial Papers, VII. 21, 111, 195, 344, 416, 459, 740, etc.

<sup>5</sup> *Ibid*, VII. 484, 496, 578.

<sup>6</sup> N. H. Provincial Papers, VII. 505. N. H. State Papers, VIII. 195.

<sup>7</sup> N. H. Hist. Society Collections VII. 565.

<sup>8</sup> *Ibid*, VII. 213.

When the forces joined the Continental Army without the State, they passed from the control of the Committee. The officers, however, sent reports of the movements of the army and applied to it to supply whatever was needed, whether officers, men, or war stores. A close connection was thus maintained between the army and the Committee. Besides enlisting the troops and directing their movements, the Committee had charge of the department of supplies. A Committee of Supplies was chosen in 1775 and later a Board of War to provide ammunition, food and clothing, but they were both under the direction of the Committee of Safety, who issued orders to them and often obtained the necessary supplies by negotiating directly with the local committees or with individuals.

The power lodged in the hands of the Committee of Safety was thus extensive, as it held the office of commander-in-chief of the forces within the State and controlled the raising, equipping, supporting and discharging of the troops.

Owing to its distance from the center of conflict the Committee labored under a disadvantage in appointing officers to fill vacancies in the troops outside the State, not knowing what men would be worthy of promotion or acceptable to the soldiers. The following cases illustrate the difficulty and show the independent attitude of the officers toward the civil authority. In the summer of 1775 Colonel Reed, who commanded the New Hampshire troops at Winter Hill, being in want of an adjutant, the Committee of Safety appointed a Mr. McGregor for the service. The choice was unpopular with the men, who refused to obey McGregor's orders, and Reed was obliged to give the place to a Captain Peabody. The Committee of Safety protested to Reed, saying that while it would take pleasure in gratifying him or any individual, it must insist that its appointments stand to avoid endless difficulties. Colonel

\* N. H. Provincial Papers, VII. 557.

Reed replied, showing the difficulties in the way of carrying out its appointment, and insisted on continuing Peabody as adjutant for the sake of harmony in the regiment.<sup>10</sup>

In September of the same year the field officers of the troops at Winter Hill wrote the Committee of Safety that vacancies among the officers were of frequent occurrence and the method of applying to the provincial government for filling them caused not only great trouble and expense, but also left the companies in some measure unofficered. They therefore requested that the Brigadier-General might be supplied with blank commissions for all officers under the rank of field officers, that he might fill the vacancies as they occurred. The Committee replied that if such a measure were authorized by the Provincial Congress it would comply without delay, but this not being the case it would continue to make the appointments itself.<sup>11</sup> In March of the following year General Sullivan assumed the power of selecting officers for a new regiment without consulting the Committee, which was naturally displeased at this usurpation, but Sullivan wrote in excuse: "Surely by my having the choice of Thirty-one set of officers who had been under my Immediate inspection I could have a much better opportunity of selecting eight good men, than you who were not here, and could not know how they behaved. I made the choice and the officers have done honor to themselves and the province and differ exceedingly from some of the Captains sent here before who could neither sign a Return or give a Receipt. . . . but my making their Mark."<sup>12</sup> Nothing further was done in the matter and Sullivan's appointments stood.

Desertion from New Hampshire regiments was not uncommon when to the uncertainty of the issue was added an unsettled pay roll, and the first eagerness of enthusiasm had passed. The generals wrote the Committee asking it

<sup>10</sup> N. H. Provincial Papers, VII. 557, 565.

<sup>11</sup> Ibid. VII. 614, 615.

<sup>12</sup> N. H. State Papers, VIII. 118.

to take some measure of prevention and the Provincial Congress recommended to the local committees to take up and secure deserters from the American army and return them to their officers.<sup>13</sup> The Committee of Safety ordered lists of deserters to be published and sent orders to all civil and military officers to arrest them.<sup>14</sup> They were sometimes brought for trial before the Committee, who examined the evidence and punished or liberated them as it saw fit.<sup>15</sup> Occasionally the Committee interfered to call the officers to account. In 1776 it summoned Lieutenant Gilman before them on a charge of cheating the soldiers out of their coat money. He was found guilty, but the Committee does not seem to have felt the time warranted the infliction of any penalty or hesitated to assume power to inflict it. Again in 1779 Colonel Hobart was brought before it on the ground of revealing important secrets of the Committee. What further steps were taken does not appear.<sup>16</sup>

The consent of the Committee of Safety was necessary before any one could leave the State and special permits were issued by it granting this privilege. This restriction applied not only to individuals, but to ships and their cargoes as well, the enforcement of the Non-Exportation Act resting in the Committee's hands and all applications for clearances being granted by it.<sup>17</sup> It assumed the right to lay an embargo on the State on its own responsibility. On June 27, 1779, at the request of Massachusetts, such an embargo was ordered, to last until the fleet should sail against the British on the Penobscot. July 8 it was continued forty days longer.<sup>18</sup>

In the recesses of the Congress the Committee opened and answered all public letters, corresponded with committees of other States and with the Continental Congress.

<sup>13</sup> N. H. Prov. Papers, VII. 554.

<sup>14</sup> N. H. Hist. Society Collections VII. 103, 136, 198, 205, 256.

<sup>15</sup> N. H. State Papers, VIII. 314.

<sup>16</sup> N. H. Hist. Society Collections, VII. 206.

<sup>17</sup> N. H. Hist. Society Collections, VII. 169, 170, 173, 174, 221.

<sup>18</sup> *Ibid.*, VII. 192, 193.



It wrote often to the New Hampshire delegates in the latter body, stating what had been done by the Province, asking their approbation or advice and telling its needs. The Committee could call the legislature to special session if it saw fit and this was done twice, once in 1776 when the Continental Congress had made requisitions on the State for three battalions to serve during the war, and again in July, 1777, when the shadow of Burgoyne's invasion hung over the Northern States.<sup>19</sup> After the constitution of 1776 went into operation it was the duty of the Committee to order the choice of new members to the General Court.<sup>20</sup> The delegates to the conferences and conventions that were held by the New England States during the war were often appointed for New Hampshire by the Committee.<sup>21</sup> The establishment of a post for the Province,<sup>22</sup> the hindering of engrossing,<sup>23</sup> the payment of bounties to manufacturers,<sup>24</sup> and similar acts arising from a general responsibility for the welfare of the State were characteristic of its work.

Its financial powers were important. By a vote of the Provincial Congress June 30, 1775, the Committee of Safety alone was authorized to draw orders on the Treasurer or Receiver General for all sums of money that had been or should be voted for the supply of the forces. The Committee was to be accountable to Congress for all money so drawn.<sup>25</sup> The power thus granted came to be interpreted broadly, so that any one having a claim against the State in any way must receive an order on the Treasurer through the Committee, before he could obtain satisfaction. The money for arms and food supplies, the expenses for enlisting soldiers, the pay of officers and troops, the salaries of members of the legislature, the charges for the care of pris-

<sup>19</sup> N. H. State Papers, VIII. 346, 629.

<sup>20</sup> *Ibid.*, VIII. 698.

<sup>21</sup> N. H. Hist. Society Collections, VII. 206, 229, etc.

<sup>22</sup> *Ibid.*, VII. 211.

<sup>23</sup> *Ibid.*, VII. 140.

<sup>24</sup> *Ibid.*, VII. 197.

<sup>25</sup> N. H. Prov. Papers, VII. 544.

oners, for posts, etc., all went through its hands. No money for any public purpose was drawn without its consent. The Committee also undertook the supervision of some of the State's accounts, examining at times the pay-rolls of the troops, and deciding whether they should be allowed.<sup>26</sup> On June 30, 1775, it granted permission to the Committee of Supplies to purchase such articles as would not admit of delay, without a previous application to the Committee of Safety, but at the same time the Committee of Supplies was required to render its accounts once in ten days.<sup>27</sup> The Committee of Safety also settled the accounts of the Board of War.<sup>28</sup>

The Committee was ordered by the Provincial Congress to assist the Receiver General in framing warrants for assessing and collecting the taxes.<sup>29</sup> The Committee also directed the Receiver General to warn the constables and selectmen who were delinquent in paying that further delay would result in the issue of extents against them,<sup>30</sup> while the pressing need of money for the war led it to issue appeals to the selectmen of the towns, explaining the situation, describing the difficulties under which the Committee labored in dealing with constant demands on an empty treasury, and beseeching them to exert themselves to render it possible for the State to proceed in its affairs.<sup>31</sup>

The continental tax collected through the State was sent to Philadelphia and the continental accounts were furnished and forwarded by it.<sup>32</sup> The necessity of procuring war supplies and the difficulty of getting money to pay for them led the Committee to direct that the value of articles so supplied by a town should be allowed on its taxes for that year.<sup>33</sup> Those articles that were not used in the war were later sold at auction. In 1783 the

<sup>26</sup> N. H. Hist. Society Collections, VII. 30, 331, 379.

<sup>27</sup> Ibid. VII. 9.

<sup>28</sup> Ibid. VII. 172.

<sup>29</sup> N. H. Prov. Papers, VII. 609.

<sup>30</sup> N. H. Hist. Society Collections, VII. 56.

<sup>31</sup> N. H. State Papers, VIII. 533.

<sup>32</sup> N. H. Prov. Papers, VIII. 606.

<sup>33</sup> N. H. Miscellaneous Papers, X. 582.



Committee was authorized to make arrangements for framing the excise on spirituous liquors, and appointed committees to take the sale in charge in different counties.<sup>34</sup>

The punishment of crime was left largely to the local committees and selectmen and to the new law courts after they were opened, but to two classes of offenders the Committee of Safety gave special attention, to those suspected of hostility to the American cause, and to counterfeitters. No regular course of procedure was employed in dealing with the Tories; sometimes they were apprehended and tried by the towns, sometimes by the counties, sometimes sent by the local bodies to the Assembly or to the Committee of Safety for trial, after a preliminary examination, or again they might be summoned directly before the central authority, by warrants issued from it against them.<sup>35</sup> Witnesses were summoned and the Committee rendered its decision on the evidence presented, being at once prosecutor, judge, and executor of the sentence.

The uncertainty and conflict of jurisdiction before the opening of the courts is well illustrated by a letter which the Committee of Safety of Holles wrote to the County Committee of Hillsborough, July 17, 1775. It states that the town had appointed a Committee of Safety to deal with the disaffected. "Notwithstanding which, we understand," it writes, "you have *assumed*, on authority of your own, to Summon some of the inhabitants of this town before you for Tryal. We should have Really thought . . . . .that you could not have been so mistaken as not to have known that it was your duty to have come and complained to us, and if you were not satisfied with our Decision. . . . .you might appeal for a Further Tryal to our Provincial Congress or Committee of Safety or to the Continental Congress. . . . .As to your citing any persons before you who have been examined by us, and dealt with, we

<sup>34</sup> N. H. Miscellaneous Papers, X. 616, 617, 618.

<sup>35</sup> N. H. Hist. Society Collections, VII. 2, 74, 79, 114, 185, 195, 583.

look upon it to be of Dangerous Consequence."<sup>36</sup> Yet in spite of this emphatic protest there was no legal basis for denying the County Committee jurisdiction. It was theirs if they chose to assume it.

The case of John Quigly is also in point. Quigly was a moderate Tory of Francestown. May 24, 1775, the County Congress appointed a committee to try him, but Quigly failed to appear. This Committee, therefore, recorded his contempt, found him guilty on the evidence presented, and warned all persons against him. Meanwhile Quigly had gone to the state Committee of Safety, had made a good impression, and had succeeded in obtaining from it a recommendation to Captain Bedel to be taken into his military company. Quigly appealed from the County Committee to the Francestown Committee and obtained a reversal of the judgment.<sup>37</sup>

The confiscation of the estates of refugees, to turn them to the profit of the new administration, was a measure adopted in New Hampshire as fully as elsewhere. There were special committees appointed for the counties to take charge of such lands, but the general direction of the matter lay with the Committee of Safety. We find it appointing and authorizing men to rent the improved land of absentees in the different counties, requesting a local committee to inquire into the ownership of a valuable piece of property or giving instructions to the trustees of an estate.<sup>38</sup>

When New York sent to New Hampshire some of the Tory prisoners that she did not feel it safe to keep within her borders, it fell to the Committee of Safety to receive them. The New York Convention had directed that the prisoners were to live at their own expense, and to be subject to such restrictions as the legislatures put upon them.<sup>39</sup> The New Hampshire Committee of Safety imprisoned sixty-

<sup>36</sup> N. H. Prov. Papers, VII. p 450.

<sup>37</sup> N. H. Prov. Papers, VII. pp 563, 564.

<sup>38</sup> N. H. State Papers, VIII. 252. N. H. Miscellaneous Documents, X. pp 581, 582.

<sup>39</sup> N. H. State Papers, VIII. p 379, et seq.

seven, but liberated the majority on parole, to provide their own lodging and support. They were, however, to use no words or arguments prejudicial to the American cause on pain of immediate reimprisonment. Each was to make return of his own and his landlord's name and the town where he took up his abode.<sup>40</sup> A special committee took immediate care of the prisoners, but the Committee of Safety retained supervision of them.<sup>41</sup> The Tories did not find their confinement arduous. Many were released from jail by the Committee of Safety, on parole, and they were frequently permitted to return to New York for visits on promise to return.<sup>42</sup> The government had too many interests of more importance to find it possible to look closely to these suspects. It was simpler to allow them to care for themselves. In connection with the lenient treatment they received, a letter from one of their number, Joshua Gidney, to his father is of interest. He says: "On my arrival. . . . we were led before the Committee of Safety then setting in a Town called Exeter, the present seat of Government. The Committee gave the major part of our number, of whom I am one, Liberty of seeking Lodging within six miles of the State House, a Liberty we did not expect. . . . On our march through Connecticut, etc., we were told that the people of Exeter would deal with us according to our deserts, by close confinement if not hanging, as every Tory deserved; but on our arrival and ever since we have been treated with civility and by some with Respect. . . . Some of my Brethren I hear have safely returned to their Family and friends by permission from the New Hampshire committee some have gone without liberty, among whom were 4. . . . who were all apprehended, brought back to Exeter, and confined

<sup>40</sup> *Ibid.*, VIII. 394.

<sup>41</sup> *Ibid.*, VIII. 401.

<sup>42</sup> *N. H. Hist. Society Collections*, VII. pp 69, 81, 100, 156. *State Papers*, VIII. pp 494, 498. New Hampshire did not relish the charge imposed on her by New York. Her prisons, she claimed, were too full of counterfeiters to accommodate the Tories, while the presence of any number at large in the province would be prejudicial to the cause. *Clinton's Papers*, Vol. II. p 618.

for a while in Gaol, but since have been Liberated by given Bonds with surety.’<sup>43</sup>

The issue of paper money during the war at once brought counterfeiters into existence, and those suspected of the crime were brought before the local committees, the legislature or the Committee of Safety in the same way as the Tories.<sup>44</sup> That it was a common evil the number tried by the Committee of Safety proves. In 1777 the Committee desired that the local magistrates should take the apprehension and examination of such persons in charge, and that those suspected should be tested before a Justice of the Peace by an oath.<sup>45</sup> In spite of this recommendation cases of this kind were frequently brought before it during the entire war.

Such was in general the activity of the Committee of Safety in New Hampshire. Its position gave to the few men composing it, the executive headship of the State, and enabled the assembly through it to perform its executive duties. It interpreted such authority as it received, with great freedom, but it never claimed sovereignty itself. In fact it distinctly repudiated the idea in a letter to a local committee that had asked it to suspend the regulating act. It replied that it was appointed for special purposes, and was not authorized to make, suspend, or repeal laws of the State.<sup>46</sup> It was rarely asked to report its proceedings to the legislature and its acts did not require its sanction for validity. Its accounts were occasionally laid before the assembly, but even this check on its acts was not often employed. Once appointed it was largely free from the legislature, though a body of its creation and always dependent for existence upon its will.

Agreeable to a resolution of the Assembly a majority of the towns had appointed Committees of Safety to carry on

<sup>43</sup> N. H. State Papers, VIII. 475.

<sup>44</sup> N. H. Hist. Society Collections, VII. 96, 121, 174, 175, etc.

<sup>45</sup> N. H. State Papers, VIII. 558.

<sup>46</sup> Ibid, VIII. 653.

their affairs during the war, and these local committees were the machinery, through which the central government touched the people, and their coöperation and submission were necessary precedents to any effective administration. This acknowledgment of the authority of the State Assembly and its committees was cordially granted by some sections and withheld by others, and the legislature or Committee of Safety as revolutionary bodies with no authority derived from the people to sanction their existence stood helpless before those towns that refused obedience. Such were the towns in the northwestern part of the State, that, seeing themselves in a hopeless minority in the Exeter government, owing to the new basis of representation, desired either to unite with Vermont, or to form a new State by combining with the towns in Vermont east of the Green Mountains. They therefore refused to accept the authority of the government at Exeter, declined to send representatives, or to pay taxes. During the war conciliatory measures were tried by the General Assembly without effect.<sup>47</sup> When, however, the war drew to a close and set free the hands of the State, the sections that still refused allegiance were severely handled. There was no longer an attempt at persuasion, but threats of force were made against them and the Committee of Safety which had for a time been quietly engaged in settling the accounts of the war came forward to head the undertaking. The recalcitrant sections comprised those towns on the Connecticut river that desired to come under the jurisdiction of Vermont. The Continental Congress upheld the claim of New Hampshire to them and declared that Vermont must relinquish all jurisdiction east of the Connecticut river before she could be received into the Union. This Vermont refused to do. At this time the feeling between the States was further embittered by occurrences in Chesterfield, one of the border

<sup>47</sup> N. H. State Papers, VIII. 450-1. The New Hampshire Grants by J. Rice. Mag. Am. Hist. VIII. p 1.

towns in the county of Cheshire. A constable of Vermont attempted to arrest for debt a man who favored New Hampshire, but was prevented by the man's friends, two of whom were in consequence committed to jail. They at once appealed to the New Hampshire legislature, which passed an act, November, 1781, empowering the Committee of Safety to issue an order to the sheriff of Cheshire to release all persons confined there under authority of Vermont and to arrest all such persons as pretended to exercise such authority, and imprison them.<sup>48</sup> Hale, the sheriff, was thereupon directed to attempt the release of the prisoners, but was himself taken and thrown into prison. The Committee of Safety then issued an order to the sheriff of Hillsborough to raise the body of his county in order to liberate Hale and to carry out Hale's instructions himself. It also directed Brigadier-General Nichols to raise and equip such a force from the county of Hillsborough as the sheriff should ask, while a commissary was appointed to supply the troops with food.<sup>49</sup> Vermont, alarmed, issued orders for her militia to oppose force with force. Early in January, 1782, matters being no nearer settlement, the New Hampshire General Assembly determined to raise a force of a thousand men and send it to hold the frontier, voting that the whole matter of sending this armed force should be referred to the Committee of Safety, and empowering it to raise and march the troops at such time as it saw fit.<sup>50</sup>

These extreme measures were, however, rendered unnecessary by the action of Vermont. Influenced by a personal letter from Washington, the Assembly took advantage of an absence of the members on the east side of the Connecticut to declare the west bank of that river their boundary, and the revolted towns came again under New Hampshire's authority.<sup>51</sup>

<sup>48</sup> N. H. Miscellaneous Papers, X. 437.

<sup>49</sup> N. H. Miscellaneous Documents, X. 448, 449.

<sup>50</sup> Ibid, X. 475, 478.

<sup>51</sup> Ibid, X. 484, 485.



The Committee of Safety was a small body, varying in size from six to twelve members. One reason for its efficiency is to be found in the fact that the foremost men in the colony were employed and that nearly the same members were chosen at each appointment.

Unlike the Massachusetts Committee, the members of the New Hampshire Committee were paid for their services. This question of pay was first broached in November, 1775, when the Provincial Congress voted that the Committee of Safety receive nine shillings a day and expenses, in the recess.<sup>52</sup> This vote was reconsidered and rescinded the next day. The matter came forward again the following January and nine shillings and expenses were again given them.<sup>53</sup> Throughout the remainder of their service while the Congress was not in session, some remuneration was voted them varying from seven to fourteen shillings a day.

On June, 1784, the new constitution with its complete organization of departments took effect and the Committee of Safety went out of existence. The comment of a Tory who resided in the State during the revolution upon the Committee testifies to its character and ability. "New Hampshire," he said, "had never a more energetic government, nor a more honest executive."<sup>54</sup>

<sup>52</sup> N. H. State Papers, VII. 657.

<sup>53</sup> *Ibid.*, VIII. 67.

<sup>54</sup> The Constitution of New Hampshire by William Plumer. *Hist. Mag.* Vol. XIV. p 172.

### 3. VERMONT.

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The early days of the Revolution found the New Hampshire Grants, as the section later known as Vermont was then called, under the nominal jurisdiction of New York. The majority of the people were opposed to the authority of that State, had denied its right to govern them, and had carried on their affairs by local Committees of Safety and central conventions. Until the fall of 1777 a remnant of New York's jurisdiction remained in the Committees of Safety of Cumberland and Gloucester counties appointed under the authority of New York, which tried to hold their districts for that state. They were a great hindrance to the authority of Vermont, but as that government grew in popularity and power, they gradually lost adherents, until they were unable to find sufficient support to hold their sessions, and in spite of protests and appeals from New York, the counties passed out of their control.<sup>1</sup>

A Convention of the New Hampshire Grants, representing the different towns, met January, 1777, and declared the district a free and independent State. In June another Convention was held in which a committee was appointed to prepare a constitution to be referred for adoption to a Convention to meet in July. This July Convention adopted the constitution and before adjournment appointed a Council of Safety of twelve members to act until the new government went into operation in December of that year.<sup>2</sup>

The Council of Safety thus chosen was given a temporary position of absolute independence. The Convention that appointed it had separated with no intention of meeting again. The new Assembly would not come together

<sup>1</sup> Records of the Gov. and Council of Vermont, I. App. A. No. 1.

<sup>2</sup> Ira Allen Hist. of Vermont, 79, 92, 93. Vermont's Hist. Society Collections, I. 228.



until December. The Council therefore was controlled by no power outside itself that could direct its movements or call it to account. The people had not chosen and could not dismiss it. It was chosen for a definite period and no fear for re-election put the members under restraint. No official records of the July Convention have been preserved, so that it is impossible to tell the exact character of the authority conferred on it,<sup>3</sup> but it is certain from the records of its acts that it actually exercised supreme and absolute power in the State, and transacted all its civil and military business.

Some difficulties lay in the way of making its position good. It was in the first place a novel one. Vermont had never known a settled government of her own. The conventions of the local Committees of Safety and later of the representatives of the towns, called for special purposes and soon dismissed, were the only substitutes she had to offer for the long years of training in provincial government of such colonies as Massachusetts, Rhode Island and Connecticut. Even the people of New Hampshire, though allowed little influence in the administration of the State, had yet been represented in assemblies and had been accustomed during a long period of years to a settled government and to rendering obedience to it. To Vermont all this was new. The settlers were used to the government of the little towns which during the pre-revolutionary period had lived like small republics, but they had no knowledge of the management of the affairs of a whole province and no experience of a central government of their own that should command their obedience. Such a central government had now been created and put in the hands of the Council of Safety, in trust, till more complete organs of government could take it in charge. The men who composed the Coun-

<sup>3</sup> Ira Allen, a member of the Council of Safety, says in his *History of Vermont* (page 96) that its powers were not extensive, but if any considerable limitations were set on its authority they seem to have been disregarded by the Council.

cil had but slight education. They were farmers, called from the field to take charge of a State and given the task of controlling a people unused to discipline. They were supported by no written constitution to serve as guide and as justification of their acts. It was then no light task that the Council had in hand.

In addition, the situation of the new State at the time of the appointment of the Council was most disheartening. New York still claimed jurisdiction, and still found adherents in disputed districts. New York officials and committees were yet busy in attempting to enforce authority and New York delegates in Congress were able to keep back any recognition of Vermont as a separate state. Still darker hung the dread of British invasion. Ticonderoga had fallen and Burgoyne's victorious army threatened the defenseless State. Nearly three-fourths of the people to the west of the Green Mountains had fled in terror to the east, leaving the frontiers unprotected.<sup>4</sup> Large numbers of the settlers joined the enemy intending to return to their farms under the protection of Burgoyne's next victory.

No money or revenue was at the command of the Council, and troops must be raised at once, equipped and supported. The members of the Council spent a long day discussing ways and means. Even if the people were willing to respond to a requisition for the purpose, too long a time would elapse before the money could be collected and put in the hands of the State. Some other plan must be devised. A majority of the Council felt that the State could only afford two companies, but Ira Allen, the secretary, insisted on nothing less than a regiment. It was therefore decided to put on his shoulders the task of devising means for their support. The next morning Allen recommended the confiscation and sale of the land of refugees to the enemy and his plan was adopted.<sup>5</sup>

<sup>4</sup> Ira Allen, *Hist. of Vermont*, p 95.

<sup>5</sup> Ira Allen, *Hist. of Vermont*, p 96.

The money obtained in this way was found sufficient for all the expenses of the State so that no taxes were imposed during the existence of the Council, a fact which without doubt earned them popular support and obedience. Commissioners of Sequestration were appointed at once, and were directed to seize the land and goods of any person going over to the enemy. Those articles that were serviceable for the troops were to be sent to the army contractors. All other movables were to be sold at auction (except such as were necessary for the support of the dependent members of the family) and the money sent to the Council. The land was to be leased for a term of not over two years to any person that wished it, preference being given to those who had been driven from their homes by the war.<sup>6</sup>

The necessary funds being thus provided a regiment of rangers was raised, to be under the direction of the Council or the Commander-in-chief of the army east of the Hudson, and Samuel Herrick was commissioned as Lieutenant-colonel.<sup>7</sup> A call was issued to the settlers who had fled from their homes to return and protect their crops.<sup>8</sup> Posts were sent to different militia officers to send all the troops possible to Manchester where the attack was expected and earnest requests for aid were dispatched to Massachusetts and New Hampshire.<sup>9</sup>

Not long after, a regiment from Massachusetts arrived in the State. General Schuyler, a citizen of New York; and commander of the northern army, at once ordered the Massachusetts troops and Herrick's rangers to Saratoga. The Massachusetts troops were under the regulations of the Continental Congress and its officers, and were obliged to comply. But the Council of Safety felt for once the advantage of its independence and isolation, and determining to defend its own frontier, superseded Schuyler's orders,

<sup>6</sup> Records of the Gov. and Council of Vermont, I. p 136.

<sup>7</sup> Records of the Gov. and Council of Vt., I. p 135.

<sup>8</sup> *Ibid*, I. p 137.

<sup>9</sup> *Ibid*, I. pp 130, 133.

and directed Herrick to remain in Vermont. This led to several irascible letters from Schuyler, but the Council remained unmoved, not unwilling doubtless to thwart a representative of their old enemy.<sup>10</sup>

New Hampshire responded to Vermont's appeal with a brigade of militia commanded by General Stark, who put himself under the direction of the Council of Safety. The two co-operated in active preparations for the battle, the Council rendering great service in giving word of the enemy's movements, in supplying arms and ammunition, and sending requests to the nearest militia officers for aid.<sup>11</sup>

The decisive victory at Bennington over Baum's detachment was the result, and the cloud that had hung over the frontier lifted. Stark, in a letter to the *Hartford Courant*,<sup>12</sup> acknowledged the important part which the Council had played, and presented it with a Hessian broadsword in memory of the event, and in testimony of its aid. Burgoyne himself paid tribute to its energy when he wrote to Lord George Germaine, August 20: "Wherever the king's forces point, militia to the amount of three or four thousand assemble in twenty-four hours. The New Hampshire Grants in particular, a country unpeopled and almost unknown in the last war, now abounds in the most active and most rebellious race of the continent, and hang like a gathering storm on my left."<sup>13</sup> It was due to the exertions of the Council that the military strength of the Province had been organized for effective resistance.

Aside from the refusal to obey General Schuyler, Vermont co-operated actively with the Continental Army. The Council was wise enough to see that the possibility of independence lay only in union of effort and that its State must stand or fall with the success or failure of the United States. In August the Council raised three hundred and

<sup>10</sup> *Ibid.*, I. 96.

<sup>11</sup> *Records of the Gov. and Council of Vt.*, I. 138, 144, 145.

<sup>12</sup> *Ibid.*, I. 144, note.

<sup>13</sup> *Vermont Hist. Society Collections*, I. 227.

twenty-five men for General Lincoln for the Continental service, voting them fifty shillings a month in addition to continental pay.<sup>14</sup> A committee also was sent to assure him of every aid and assistance.<sup>15</sup>

Its relations with Gates were equally cordial. September 18, it wrote him, "Nothing in the power of the Council will be neglected to prosecute your orders when called upon,"<sup>16</sup> and again a little later, "The Council are every moment Anxious to know your honor's present Situation, your wants, (if any) and whether they be such as in their power to relieve."<sup>17</sup> At his request militia were raised and sent him, and his consent obtained before they were dismissed.<sup>18</sup> The news that the Council received of the movements of the enemy which its position on the frontier often made valuable, were forwarded to him at once.<sup>19</sup> It also distributed for him his orders to the militia commanders of neighboring states.<sup>20</sup> The Council entered heartily into the continental plan of invading Canada, orders were issued for the enlistment of three hundred men and bounties promised.<sup>21</sup> The project was given up however, and Vermont retained her contingent as a guard for the frontier.

The Council was commander-in-chief of its forces within the State. It appointed and commissioned officers, superintended the raising of troops, determined on their bounties and their pay, and issued orders and directions to the commanders.<sup>22</sup> It relinquished this control, of necessity, when the troops were sent to join the continental army outside the state.

In the trial of Tories the Council recommended the local committees to assist the central government by a preliminary trial of the disaffected in their district. If the accused could

<sup>14</sup> Records of the Gov. and Council of Vermont, I. 152.

<sup>15</sup> Ibid, I. 159.

<sup>16</sup> Ibid, I. 170.

<sup>17</sup> Ibid, I. 181.

<sup>18</sup> Ibid, I. 170, 196.

<sup>19</sup> Records of the Gov. and Council of Vt., I. 174, 180, 187.

<sup>20</sup> Ibid, I. 171, 175.

<sup>21</sup> Ibid, I. 219.

<sup>22</sup> Ibid, I. 155, 216, 228.

not satisfy them of his innocence he was to be sent to the Council of Safety for final trial. This was a limitation of the powers granted by the June Convention, whereby the localities were enabled to try and sentence Tories without reference to other authority,<sup>23</sup> but was necessary to give system and harmony to the prosecution, and to save the Tories from the irresponsible tyranny of the localities. The Council also prevented a misunderstanding in regard to the ownership of the confiscated property, writing to the town of Clarendon that property of this kind was forfeited not to particular towns but to the State.<sup>24</sup> The surrender of Burgoyne's army gave the State a sense of security long unknown. The Council was not slow to find in the circumstance an opportunity for generosity toward its enemies. The town committees were recommended to liberate all persons confined on suspicion of being enemies to the cause, placing only the more dangerous under some restriction, such as confinement to their farms under the inspection of suitable persons.<sup>25</sup>

In the absence of regular courts the Council of Safety acted as judges of both civil and criminal cases as they arose.<sup>26</sup> The inhabitants were moreover directed to present any complaint they might have against the rangers to the Council for adjustment.<sup>27</sup> There was little connection between the local committees and the central Council in the trial of ordinary cases. Both probably acted independently as courts of justice. The Council of Safety occasionally referred cases that were brought to it, to the local bodies for trial, sometimes recommending that two or three committees should consider the matter jointly.<sup>28</sup>

The connection between the towns and the Council was not close. There was no fiscal or judicial machinery of the

<sup>23</sup> *Ibid.*, I. 61.

<sup>24</sup> Records of the Gov. and Council of Vt., I. p 61.

<sup>25</sup> *Ibid.*, I. p 190.

<sup>26</sup> Records of the Gov. and Council of Vt., I. pp 180, 191, 204, 207, 209.

<sup>27</sup> *Ibid.*, I. p 212.

<sup>28</sup> *Ibid.*, I. pp 222, 224, 225.



central government in the localities to bring them into dependence, and they stood like small semi-independent communities, managing their own affairs in their own way. The Council wisely refrained from attempting interference in purely local affairs. The directions which it issued to the towns were on matters pertaining to the whole State and were framed as requests and recommendations, rather than orders. For these reasons there seems to have been no resistance to its authority, but cordial coöperation. The Council was determined to hold all territory that the convention had claimed and to contest the authority of New York in the disputed counties. August 10, 1777, the Council arrested the chairman of the Committee of Cumberland County, which had been organized under New York's authority, and kept him in custody for a week.<sup>29</sup> At the same time Ira Allen was busy in the same district, endeavoring to win the people to Vermont, and urging them to form new committees friendly to its interests.<sup>30</sup> The sympathy of the people was in general with the new state and they soon prevented the New York committees from holding their meetings.<sup>31</sup>

The Assembly under the constitution was to have met in December, 1777, but the war had so fully occupied the time of the Council that it had had no opportunity to print and distribute the constitution and arrange for elections. It therefore decided to summon the last Convention to meet again, to order the postponement of the Assembly, not deeming it advisable to take so important a step itself.<sup>32</sup>

The Convention met December 24. It revised the constitution, postponed the elections until the following March, and the meeting of the Assembly until the second Thursday of the same month, and then separated.<sup>33</sup> During its last months the Council besides its former duties was largely oc-

<sup>29</sup> Records of the Gov. and Council of Vt., I. App. D.

<sup>30</sup> B. H. Hall, Hist. of Eastern Vermont, pp 298, 299.

<sup>31</sup> Ibid, p 299.

<sup>32</sup> Recs. of the Gov. and Council of Vermont, I. 210.

<sup>33</sup> Slade, Vermont State Papers, p 80.

cupied in preparing business for the next legislature. It printed and distributed the constitution and the elections were carried on under its supervision. When the Assembly met, March 12, 1778, the members of the Committee laid down their authority, to find that the gratitude and confidence of the people had given a majority of their number a seat in the Governor's Council. Within seven months every member of the Council of Safety, then living, had received an honorable position in the government.<sup>34</sup>

The task of the Council of Safety had been difficult and without other remuneration than the successful issue of its labor. In an address to the people of Vermont it wrote, "Nothing but a real zeal for the future well-being of the inhabitants of the United States in General and this in particular could have induced this Council to have undertaken the arduous task of setting so many months successively, to provide for the Safety of the Inhabitants."<sup>35</sup> There was little of the pleasure of power granted it, much of its danger. It found Vermont a group of towns in peril from enemies without and within. These towns it kept together, aiding them against the intrigues of New York, and protecting them against the army of the British. It maintained Vermont as an independent state and gave it unimpaired and strengthened into the hands of an organized government.

<sup>34</sup> Records of the Gov. and Council of Vermont, I. 74.

<sup>35</sup> *Ibid.*, I. 215.



#### 4. RHODE ISLAND.

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Rhode Island, owing to the practically independent and republican character of its government passed through the transition period without feeling the necessity of any change in constitution. The Governor was out of sympathy with the majority of the colonists, but he was quietly deposed in November, 1775, and Deputy-Governor Cooke elected in his place. The magistrates and other officials kept on in their duty, the Assembly was chosen as usual under the provisions of the charter, and the inhabitants were not subjected to the rule of irresponsible conventions.

In Governor Cooke the people possessed a capable executive and there was no need therefore of a committee of the assembly to take that position. But the Governor was not given independent war powers. The legislature retained as complete control in its own sphere as before, and when it was not in session it appointed during the war a Recess Committee to take its place. This Committee corresponds to the Committee of Safety of the other colonies although it did not bear that name. It was first called the Committee Appointed to Act in the Recess of the Assembly. The body that was christened the Committee of Safety in Rhode Island was a subordinate committee appointed by the legislature in the spring of 1775, whose care it was to supply the troops with arms, tents, provisions and every other necessity and to pay them.<sup>1</sup> The Recess Committee was later called the Grand Committee of Safety, or sometimes only the Grand Committee.

It came into being as a means of carrying out a plan of General Washington. August 14, 1775, Washington wrote Deputy-Governor Cooke proposing that he send a ship from

<sup>1</sup> R. I. Col. Rec., VII. p 322.

Rhode Island to seize the powder on one of the Bermuda Islands, which it was believed was only protected by a small guard. Such an expedition could not be undertaken without authority granted by the Assembly, but it was injudicious to lay a plan whose success was secrecy before so large a body. The Governor therefore proposed and the legislature agreed that a committee should be appointed to serve during the recess to transact all business on which the common safety depended and particularly to employ the Colony's two ships of war.<sup>2</sup> Before this Committee Governor Cooke laid Washington's project and they agreed to make the attempt. Captain Whipple was dispatched with one of the ships, but the expedition was a failure, as ships from more southern colonies had previously visited the island and captured the powder.<sup>3</sup>

Although its first work was thus unremunerative, similar committees were appointed to represent the legislature in its recess from this time until December, 1776. The Governor and Deputy-Governor were members, usually a part of the assistants (sometimes the whole body), and twelve or thirteen deputies, making about seventeen or nineteen in all.<sup>4</sup> Such other members of the General Assembly as cared to do so could be present and vote. It was thus possible for the Committee to pass into the regular Assembly and back again to a committee, as interest in the subjects under discussion varied the attendance.

Such a body could not be given duties differing and sharply defined from those of the Assembly itself, since it would not be possible for the Committee to tell at the beginning of a session in what capacity it would be acting at its close. No attempt was made indeed to define its powers. In an appointment made August, 1775, it was authorized to exert in the recess the whole force and strength of the

<sup>2</sup> *Ibid.*, VII. p 365.

<sup>3</sup> *Col. R. I. Hist. Soc.*, VI. *Amer. Archives*, 4th Series, III. pp 653, 710, 718, 808.

<sup>4</sup> *R. I. Col. Rec.*, VII. pp 365, 442, 501, 503.

Colony for its defense and safety upon any sudden emergency or danger,<sup>5</sup> to act therefore for the time being with the authority of the provincial government. It is to be noted that this jurisdiction was to be assumed only when peril threatened the Colony so suddenly that the Assembly could not be brought together in time to act.\* It was not to carry on the ordinary business of the government and unless danger suddenly darkened, might not be called upon to act at all.

The powers of the Committee appointed in March, 1776, and of those chosen later, were broadened somewhat as the progress of the war made the danger more constant. These Committees were directed to transact all such business as the exigency of public affairs in the recess of the General Assembly might require. While, therefore, the usual civil legislation and administration were not within its sphere, such business as related to continuing the defense of the colony and stationing of the militia, the providing of fortifications, and restraining troublesome Tories were in its hands. Whatever steps it took, however, were to be reported to the next Assembly for approval.<sup>6</sup> As the Committee included the Governor as well as representatives of the Assembly and was at once an executive and legislative body it would find no difficulty or friction in embodying its plans in action.

We find it raising and embodying troops and forwarding their march.<sup>7</sup> One of the ships of war was sent by its order on a cruise against the British and later to Philadelphia for flour.<sup>8</sup> It dispatched two row galleys and certain of the troops to New London to coöperate with Governor Trumbull in an attempt on Long Island. When in December, 1776, the British fleet appeared and threatened the State, the Committee ordered all the militia under arms and a new regiment was drafted and its officers appointed.

<sup>5</sup> *Ibid.* VII. p 365.

<sup>6</sup> *R. I. Col. Rec.*, VII. pp 501, 574, 613.

<sup>7</sup> *Col. R. I. Hist. Society*, VI. 170-2. Letter of Nicholas Cooke, Oct. 5, 1776 (MSS.).

<sup>8</sup> *Col. R. I. Hist. Society*, VI. pp 131, 134.

An embargo was laid on privateers and merchant vessels in order to aid in recruiting the Rhode Island ships of war and the live stock on exposed parts was driven into places of more security.<sup>9</sup> The Committee's acts seem to have met the approval of the Assembly and the records show no instance in which any of its acts was repealed.

We have seen that the indefinite size of the Committee prevented its having well-defined powers. It must also have been a hindrance to a consistent policy, since one day's or one hour's majority might be outvoted in the next. It was too large as well. Its permanent nucleus was about nineteen members and the addition of others from the Assembly must soon have changed it to a deliberative body with divisions and factions, and every difficulty to prompt action. It was, therefore, an improvement when it was superseded by the Council of War.

This Council which was definitely composed, on its first appointment, of the Governor, Deputy-Governor and eight members of the House of Deputies, was chosen by the Assembly in December, 1776. The British had taken the island of Rhode Island and it was necessary to secure to the Colony a continuous and capable government to deal with the crisis. That no time might be lost in waiting for absent members the Governor and his Deputy with four Assistants were declared a quorum of the upper house and twenty-one deputies a quorum of the lower house.<sup>10</sup> To take their place in the recess, the Council of War was appointed. Any five of its members were authorized "to transact every thing and matter for the well-being and security" of the State and of the United States. It was to make all orders and rules for governing, disciplining, clothing and supplying the army raised by Rhode Island and by the neighboring States for its aid, and all such rules were to be of as full force as if passed by the General Assembly. The Governor was asked

<sup>9</sup> Arnold, *Hist. of Rhode Island*, II. p 389.

<sup>10</sup> R. I. Col. Rec., VIII. p 56.

to write the other New England States, informing them of the appointment of the Council and requesting them to appoint committees to meet with it at Providence to discuss the question of raising an army against the British.<sup>11</sup>

The name, "Council of War" was familiar to Rhode Island. In 1740 when the alliance of France and Spain made the Colony look closer to its arms and revise its militia system, a permanent Council of War had been appointed, of the Governor, the Council, the field-officers and captains. Again in 1755 a Committee of War had been chosen by the Assembly to have general direction of military matters, during the Seven Years War.<sup>12</sup>

In accordance with the wish of the Assembly, Governor Cooke wrote to New Hampshire, Massachusetts and Connecticut that the authority of the government of Rhode Island considered itself inadequate to organize and direct an army collected from the different States; that a Council of War had therefore been appointed with full power to act in this matter with such committees as should be chosen by the rest of New England.<sup>13</sup> The States responded by sending three delegates each, to Providence. Three members of the Council of War represented Rhode Island and Stephen Hopkins was chosen President. The Convention thus formed voted to raise six thousand men and assigned the quotas that each State should send. An act to prevent monopolies and a recommendation that no more paper money be issued were also passed.<sup>14</sup>

The activity of the Council of War was not bounded by this Convention, however, since it carried on the government in the military department in the recess of the Assembly. Like councils were appointed from 1776 to October, 1781. The surrender of Cornwallis then brought the hope of peace, and the war pressure being removed, the ordinary organs of gov-

<sup>11</sup> R. I. Col. Rec., VIII. pp 56, 57.

<sup>12</sup> R. I. Col. Rec., V. p 410; VI. p 146.

<sup>13</sup> Amer. Archives, 5th Series, III. p 1208.

<sup>14</sup> Arnold, Hist. of Rhode Island, II. p 392.

ernment were found sufficient. The Council was, until the spring of 1781, a large body, varying after the first appointment from seventeen to nineteen members, but in the last two appointments the number was reduced to five. It always included the Governor and Deputy-Governor, representatives of the lower house and usually a few of the Assistants. Complaints having arisen that the State was unequally represented in the Council, in October, 1778, and thereafter the members were drawn proportionally from the different counties. Unless four (later three) counties were present the Council was deemed incapable of passing any resolution.<sup>15</sup>

It was always given some remuneration and the different amounts received are indicative of the common currency troubles. The members of the first Council were paid nine shillings a day, if they lived outside of Providence, where the meetings were held, six if they were residents of that town. A later Council received six dollars a day, another six pounds, and by May, 1780, each man was entitled to a nominal salary of thirty pounds a day in lawful money. A year later their compensation, reckoned in silver, amounted to fifteen shillings a day.<sup>16</sup> Whether the Assembly, placing but a moderate estimate on its utility, wished to limit its sessions, as a matter of economy, is not certain, but two acts were passed in 1778 to thus restrain it. By the first it was recommended to the Council of War to meet at the expense of the State no more than six days in every other week unless the Governor should consider it imperative. Sunday meetings were forbidden except on great and urgent occasions. In September it was voted that the Council continue in session but four days at a time in its monthly meetings.<sup>17</sup>

Up to 1780 the Council's power over the militia was substantially that of the legislature, save that it was always

<sup>15</sup> R. I. Col. Rec., VIII. pp 56, 229, 316, 419, 47, 545, 615; IX. pp 68, 422, 486.

<sup>16</sup> R. I. Col. Rec., VIII. pp 208, 423, 472, 615.

<sup>17</sup> Ibid., VIII. pp 382, 449.



in the latter's power to repeal or reverse any of the orders which it considered ill advised.<sup>18</sup> It might within this limit raise and equip the forces, call them into service and order them to different stations. Its control of the Colony's continental quota was hampered by the superior authority of the continental officers. Here it did not command but recommended, and its suggestions were not always followed. In May, 1780, the Council advised General Heath to order Colonel Green's regiment to march at once to join the army. Washington, however, considered the regiment too small to give material reinforcement at that time and therefore decided that it should remain where it was.<sup>19</sup> Later in the same year the Council wished a part of Colonel Green's men to be used to make hay, but the request was refused, because Washington desired the regiment kept in close and constant discipline.<sup>20</sup>

The Council had power to appoint and commission officers. It was also occasionally given authority to examine them for misconduct and dismiss them if found culpable.<sup>21</sup> Any commissioned officer in the navy of the State could be tried before it in court martial.<sup>22</sup>

While the Committee of Safety generally furnished the war supplies the Council of War not infrequently acted independently in this matter, procuring the articles of which it saw the army was in immediate need, which included a miscellaneous list of beds, wheelbarrows, soap, duck, sulphur and leather. Ships were permitted to leave for southern ports to bring back war stores of which the Council of War was to have the refusal, and occasionally the Council sent a venture in a ship of its own.<sup>23</sup> Wood for the soldiers' fires was a pressing necessity and the Council arranged that it should be supplied weekly by the different towns, the town

<sup>18</sup> Ibid, VIII. p 404.

<sup>19</sup> R. I. Col. Rec., IX. p 151.

<sup>20</sup> Ibid, IX. p 303.

<sup>21</sup> Ibid, VIII. pp 250, 343.

<sup>22</sup> Ibid, VIII. p 262. Council of War Journals.

<sup>23</sup> Council of War Journals.

councils assessing it on the individuals. Often men were excused from militia duty on condition of bringing in wood to sell to the State.<sup>24</sup>

While the continental embargo lasted permits for exports were granted from the Council of War.<sup>25</sup> It attempted at one time to impose further restrictions within the State by prohibiting any provisions necessary for the army from being taken from the town of Providence, but this act was found so injurious in its operation that it was promptly repealed by the legislature when it met.<sup>26</sup> When commercial restrictions imposed by another colony injured Rhode Island the Council was quick to protest against the impolicy of the system and urge the abrogation of the laws.<sup>27</sup> Besides license to export, permission to leave the State or to remove into it was to be obtained from the Council of War.<sup>28</sup>

The Assembly gave to the Council as full power over the treasury as it enjoyed itself, and no money could be drawn thence without an order from one of the two bodies.<sup>29</sup> Certain accounts were given from time to time into the hands of the Council to adjust and settle. Thus the Committee of Safety was ordered to lay its account relative to paying certain demands against the State before it for adjustment.<sup>30</sup> The same order was given to the State Commissary and to the tax-gatherers who had been given the duty of collecting stockings for the troops in different towns.<sup>31</sup> In September, 1780, it was directed to appoint a stated time when all persons having accounts with the State should appear before it, in order that they might be settled.<sup>32</sup> The Council authorized the issue of paper money and negotiated loans.

<sup>24</sup> Ibid.

<sup>25</sup> R. I. Col. Rec., VIII. p 269.

<sup>26</sup> Council of War Journals, Dec., 1776. R. I. Col. Rec., VIII. p 74.

<sup>27</sup> Col. R. I. Hist. Society, VI. p 244.

<sup>28</sup> R. I. Col. Rec., VIII. p 302, 625; IX. 235. Coun. of War Journals.

<sup>29</sup> Col. Rec. of R. I., VIII. p 80. Council of War Journals.

<sup>30</sup> Ibid, VIII. p 342.

<sup>31</sup> Ibid, IX. p 225.

<sup>32</sup> Council of War Journals.



The Tories of Rhode Island were subject to the same espionage and to the same arbitrary treatment that were their portion throughout the thirteen colonies. In the recess of the Assembly the Council of War often took its place in the arrest, examination and punishment of suspects. The legislature referred cases to them which it was probably too busy to handle, without other advice or restriction than that it should proceed in such manner as should be most consistent with the "safety of the state;" a phrase which might countenance the most arbitrary measures. The Council of War, combining as it did judicial and executive functions and given free rein by the legislature, was well adapted to administer speedy retribution to any Tory who could not satisfy his neighbor of the purity of his sympathy with the American cause. The Council of War was not the only court of trial for the Tories. There existed as well special committees appointed by the Assembly to examine into the conduct of those who were suspected of hostility to the cause or who carried on forbidden intercourse with the enemy. Suspects were in the later years of the war. often tried before the Superior Court of Judicature.<sup>33</sup>

The commission given the first Council of War was followed in subsequent appointments till 1780, when the pressure of danger which had justified its extensive authority was passing away, and the Assembly held it expedient to place some limitation on its power. It enacted therefore that the Council of War should be authorized to make all orders and regulations of an executive nature in both civil and military matters, but only in cases that required immediate attention, while the power of legislation was definitely denied.<sup>34</sup> In May, 1781, it was further restricted to making only such regulations of a military nature

<sup>33</sup> Council of War Journals.

<sup>34</sup> R. I. Col. Rec., IX. pp 73, 74.

as needed sudden and immediate dispatch.<sup>35</sup> The limiting of the Council's activity to cases of pressing and sudden necessity which lasted to the close of its career, placed it in the position of the first recess committees, thus bringing it from the height to which danger had raised it to the level from which it had sprung. November 24, 1781, the Council adjourned sine die.<sup>36</sup>

<sup>35</sup> R. I. Col. Rec., IX. p 422. The Council at this time when in doubt of its capacity to act alone called in members of the legislature who happened to be in the neighborhood. Council of War Journals, June and Nov., 1781.

<sup>36</sup> Council of War Journals.

5. CONNECTICUT.

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In Connecticut the Committee of Safety took the form of an advisory council to assist the Governor in military matters. This colony alone of the thirteen was able to pass the crisis of the Revolution without any alteration in government, and the rebel Governor, Jonathan Trumbull, remained throughout the war its executive head.

It belonged to his position to raise and command the militia and to see that the men were properly armed and equipped. To aid and advise him in this work nine men were chosen by the Assembly in its May session, 1775. They were "to assist the Governor when the Assembly was not in session, to direct the marches and stations of the soldiers enlisted for the defense of the colony, or any part of them as they should judge proper, and supply with every matter and thing that should be needful for the defense of the colony."<sup>1</sup> The body thus chosen did not bear the name of Council of Safety, but its duties were practically identical with those given later councils of that name, so that it may justly be classed with them.

The Council as thus constituted was entirely subordinate to the Governor. It had no independent power, but must act, if at all, with and through him. A similar council with the name of Council of Safety was appointed each May by the Assembly from 1775-1783 inclusive. Its membership varied from nine to twenty. The Deputy-Governor was always chosen and three or four Assistants, the others being drawn from the House of Representatives. Nearly the same members were appointed to the Council during the entire period of its existence.

<sup>1</sup> Royal B. Hinman, Historical Collection of the part sustained by Connecticut in the Revolution.

The commissions given the Councils of Safety at the time of their appointment varied little. Besides the powers already noted they were, with the Governor, to direct the navy as well as the army and to carry out any special trust imposed by the legislature. The Governor was to convene the whole Council on all important occasions, but if the emergency of the case rendered this impossible, five might be a quorum. In 1776 the pay of the members was fixed at eight<sup>2</sup> shillings a day, but it was later raised to twelve shillings.<sup>3</sup>

The Assembly issued directions to the Governor and Council<sup>4</sup> from time to time, and gave them powers to perform duties not included in their commission. Thus they were ordered to raise and to form into regiments certain of the militia or disband and dismiss the troops.<sup>5</sup> They were frequently authorized to appoint and commission certain officers and to fill such vacancies among the officers of a regiment as might occur in the recess of the Assembly.<sup>6</sup> It is to be noted that the powers thus conferred were for individual and particular cases. The Assembly never gave the Governor and Council general power to raise all the militia or appoint all the officers. In fact, in one instance the legislature having empowered them to appoint the officers in the eight battalions then being raised in the State, expressly declared that this power and authority was "thus delegated and referred in consideration of the extraordinary and peculiar circumstances of the case, and not to be drawn into precedent in the future."<sup>7</sup> Military preparation cannot wait upon the convenience of a legislature, and during the recess of the Connecticut Assembly the raising and marshalling of troops was of necessity transferred to another body, and fell naturally to the Governor and Council of Safety.

<sup>2</sup> Hinman, p 210. Public Records of Conn., I. p 253; II. p 18, 287.

<sup>3</sup> Hinman, p 210. Public Record, I. p 250.

<sup>4</sup> By the Council is always meant unless otherwise specified the Council of Safety.

<sup>5</sup> e. g. Public Records, I. pp 118, 373. Hinman, p 98.

<sup>6</sup> e. g. Public Records, I. pp 37, 70, 73.

<sup>7</sup> Ibid, I. p 73.

By their commission the Governor and Council were to control the method of procuring and distributing supplies, and the Assembly only interfered in occasional orders relative to forwarding the stores or to give them permission to lay embargoes to prevent the export of commodities, or to grant them the power of impressing what they needed if it could be obtained in no other way.<sup>8</sup> Other charges were occasionally imposed on the Governor and Council and will be noted later. The Assembly thus claimed the power of directing the Governor and Council from time to time, but never interfered to dictate the manner in which these duties should be performed or exacted a report of their proceedings. The Council sat only in the recess of the legislature, and in order that that body might keep in touch with affairs, the Council of Safety was to represent it through their position as advisors of the Governor. The relation of Governor and Council was not clearly defined, but the two worked in harmony. Governor Trumbull was well trusted in Connecticut, and the Council far from seeking occasion to hamper and block him, was content to take the position of a purely advisory body. If the Governor saw fit, as sometimes happened, to take measures without consulting it, the members were ready to approve without question.<sup>9</sup> Governor Trumbull thus kept the management of affairs and the responsibility. He was the soul of the Council and was present and presided at all its meetings. It aided him not so much in materially decreasing his labor, as in giving him the wisdom and experience of able men.

We have now to consider in more detail the work performed by the Governor and Council of Safety. It was, generally speaking, purely military in character, relating only to those exigencies which the war had occasioned. The journals of the Council of State as distinguished from the Council of Safety have been lost, but it is probable that the

<sup>8</sup> Hinman, p 233. Public Records, I, pp 9, 70, 72; II, p 17.

<sup>9</sup> Public Records of Connecticut, I, pp 55, 58, 202; II, p 216.

former carried on the ordinary civil affairs of the State while the military affairs were exclusively in the hands of the latter. Under its supervision militia were raised, officered and sent by it to join the Continental army or to guard the frontiers of the State. The troops that stayed in Connecticut were directly subject to its command. The militia officers were responsible to it for their conduct, and could be summoned and punished for misbehavior.<sup>10</sup> Every effort was made to answer the calls for troops and regiment after regiment was sent forward to the Continental army without delay. It generously placed the welfare of the whole before that of their particular province, and when Washington asked for the troops which they had intended to reserve as a coast guard, they were allowed to go. The records tell us that the demand was "much considered," and the Council felt that the troops would be less useful at Boston than at home. Nevertheless they were sent at once and new men raised to take their place.<sup>11</sup> The untiring cheerfulness and zeal with which troops were raised for the service won from Washington and the Continental Congress the highest praise and confidence.<sup>12</sup>

The Governor was the first naval officer in the State and as such had charge of Connecticut's little fleet. The coast was rarely free from the dread of the British privateers, and the Governor and Council fitted out war galleys, armed sloops and men-of-war to clear the sound and to make descents upon the ports of Long Island.<sup>13</sup> Prize after prize rewarded these cruises and the Governor and Council adjusted the shares of the booty.<sup>14</sup> As was perhaps to be expected, the captains of these Connecticut privateers went at times beyond the narrow line dividing them from pirates, and looking rather to plunder than to the source from which

<sup>10</sup> Public Records of Conn., I. pp 390, 442; II. p 445.

<sup>11</sup> Hinman, p 333.

<sup>12</sup> American Archives, 4th Series, IV. pp 697, 790; V. p 233.

<sup>13</sup> Public Records, Vol. I. and II.

<sup>14</sup> Public Records, Vol. I. pp 84, 156, 213, etc.

it came, committed depredations upon the property of good Whigs. Complaints of these abuses were promptly considered by the Governor and Council. The captain was either ordered directly to make good the wrong done, or summoned to them to answer the charge.<sup>15</sup>

The Governor and Council saw that the State troops were supplied with food and clothing, arms and ammunition. They adopted no uniform way of collecting and distributing what was needed. Sometimes the selectmen of particular towns were required to furnish arms and blankets,<sup>16</sup> sometimes all towns were levied upon proportionately for shirts, frocks, stockings and shoes.<sup>17</sup> At times individual men took the matter in charge, or again, special committees or commissaries.<sup>18</sup> In the scarcity of money the towns sometimes were allowed to pay their taxes in supplies of this kind.<sup>20</sup>

The iron foundry at Salisbury was under the control of the Governor and Council and from it a large supply of arms and ammunition was obtained.<sup>21</sup>

If engrossers held back supplies the Council could seize them, paying only an appraised value.<sup>22</sup> When need urged, supplies were sought beyond the State, men being sent to trade for that purpose with Massachusetts, Maryland and even with the Bahamas.<sup>23</sup> Once, irritated by the continued depredations of the British, the Governor and Council ordered the seizure in Long Island or elsewhere of the cattle and goods of the British and Tories for the use of the State.<sup>24</sup>

The Governor and Council not only cared for the wants of the soldiers when well and in service, but provided hos-

<sup>15</sup> Public Records, I. pp 107, 110, etc.

<sup>16</sup> Public Records. I. pp. 169, 187, 195. Votes of Gov. and Council, Mass., pp 446, 471.

<sup>17</sup> *Ibid.*, I. p 396; II. p 89.

<sup>18</sup> *Ibid.*, I. pp 54, 344, 357.

<sup>19</sup> *Ibid.*, I. pp 329, 577.

<sup>20</sup> Votes of Gov. and Council, Mass., p 470, etc.

<sup>21</sup> Public Records, I. pp 53, 157, 159, 172, 322, etc.

<sup>22</sup> *Ibid.*, I. pp 59, 316; II. p 111.

<sup>23</sup> *Ibid.*, I. pp 155, 188, 582.

<sup>24</sup> Votes of Gov. and Council, Mass., p 498.



pitals, physicians and medicine for the sick and wounded.<sup>25</sup> The spread of small pox brought Governor and Council together in serious consultation and led to their directing the inoculation of all new troops. The matter, they admitted, was of high consequence, and should naturally have been dealt with by the General Assembly, but the necessity that the step be taken before the army took the field, led them to assume the responsibility.<sup>26</sup> They undertook, as well, to care for the Connecticut men who were held prisoners by the British, seeing that they were suitably clothed and fed.<sup>27</sup>

The Governor and Council regulated to some extent the supplies of the private citizen. The enforcement of the embargo lay in their hands and permission to export and import must be obtained from them. When they felt that trade with any place left them with an unfavorable balance they prohibited it altogether.<sup>28</sup> In the scarcity of hard money and the depreciation of paper currency, trade was carried on largely by barter and was regulated by the Governor and Council lest the State be deprived of any products it could not afford to lose. Paul Putnam, a Nantucket trader, is permitted to sell in Connecticut a certain amount of salt, coffee, rum, tar, etc., and to buy any articles he may need except leather, iron, and not more than three firkins of lard.<sup>29</sup> In October, 1777, the Assembly forbade the purchase for sale by any citizen of rum, sugar, molasses, stockings, shoes, and other articles of food and clothing without permission from the Governor and Council of Safety.<sup>30</sup> No one, moreover, could distill liquors without a similar license.<sup>31</sup> The supply of salt for the State was for a long time low, and much attention was given by the Governor and Council to this need. Men who had salt to sell were freely permitted to bring it in to exchange for articles with which the State was better sup-

<sup>25</sup> Public Records, I. pp 24, 26; II. p 531.

<sup>26</sup> Ibid, I. pp 165, 180.

<sup>27</sup> Ibid, p 482.

<sup>28</sup> Public Records, I. p 52.

<sup>29</sup> Public Records, I. p 578.

<sup>30</sup> Ibid, I. p 413.

<sup>31</sup> Ibid, I. p 367.



plied. Salt was bought by the Governor and Council for the use of the State, and keepers of salt had it in charge as a public monopoly, doling it out to the towns in limited quantities at the order of Governor and Council.<sup>32</sup>

The money that was necessary for the multifarious charges of a large military establishment was supplied from the treasury by orders drawn on a committee known as the Pay Table, which had been chosen in the April session of the Assembly, 1775, and was given full power to examine, liquidate, settle and order paid the different accounts against the State that related to military affairs.<sup>33</sup>

All such accounts seem to have been first presented to the Governor and Council of Safety for approval and were then referred by them to the Pay Table. At one time the Governor and Council performed a valuable service for the continental cause against State exclusiveness. The Treasurer had doubted the propriety of receiving Continental paper in payment of the Colony's taxes, but the Governor and Council considered it "necessary to support the union of the colonies in the free circulation and credit of continental bills," and ordered that they should be received in all payments, and notice given to that effect in the newspapers.<sup>34</sup> Taxes came in but slowly, even when paid in kind, and money was hard to get. Like the other colonies Connecticut sought aid of the Continental Congress and issued paper money to supply immediate wants. Yet by July, 1781, the Governor and Council were forced to the expedient of sending four men to borrow money on their own personal security (evidently better trusted than the State's) from the inhabitants of the different towns. These men were to be reimbursed by the tax payable in May and July "as soon as collected."<sup>35</sup>

Passing to another field of the Council's activity, we find the Tories were under its supervision. The laws against the British sympathizers were severe in Connecticut, but

<sup>32</sup> Public Records, I. pp 512, 324, 325; II. pp 203, 217.

<sup>33</sup> Hinman, p 170.

<sup>34</sup> Hinman, p 349.

<sup>35</sup> Votes of the Gov. and Council, Mass., p 529.

much less cruel than in some of the other colonies. The actual number of Tories imprisoned does not seem to have been great.

July 10, 1776, the Governor and Council published a proclamation against Tory spies, forbidding any stranger or suspected person to travel from town to town without a pass from some Congress, Committee of Safety or Inspection, some magistrate or field officer, stating the place from which he came, his destination, and his friendly attitude toward the States.<sup>36</sup> Tories that the towns thought dangerous were sent to the Governor and Council, who determined where they should be confined.<sup>37</sup> On giving bonds for peaceable behavior they were usually assigned to some town, sufficiently remote from their native place, within whose limits they were free, save that the selectmen or the local committee of inspection had a general oversight of their conduct. Upon due repentance and taking the oath of allegiance they secured their freedom.<sup>38</sup> As a result of this generous treatment hundreds retracted their hostile expressions and became loyal citizens who would otherwise have remained enemies to the end. Tories from neighboring states were sent to Connecticut to be cared for and were dealt with in a similar way. Many were allowed to go home to attend to their business affairs on parole to return again within a certain time, or on giving promise to respond if sent for, an arrangement which must in a large number of cases have meant complete dismissal.<sup>40</sup> Those Tories that sought the protection of the British line suffered the confiscation of their estates, which were put by the Governor and Council in the hands of commissioners to be sold at public auction, or rented for the State. Many were bought by soldiers, at the end of the war, being taken in lieu of wages.<sup>41</sup>

<sup>36</sup> Hinman, p 374. The Gov. and Council exercised no judicial power over the Tories, leaving the town authorities to settle their innocence or guilt.

<sup>37</sup> Public Records, pp 158, 164, 189.

<sup>38</sup> Ibid, pp 57, 160, 171, 183, 327.

<sup>39</sup> Gilbert, Connecticut Loyalists, Amer. Hist. Review, Jan., 1899.

<sup>40</sup> Public Records, I. pp 58, 59, 83, 152, 161.

<sup>41</sup> Votes of Governor and Council espec., pp 517, 520-21.

Beside the Tories many British soldiers taken in battle were sent to Connecticut, and it fell to the Governor and Council to make provision for them till 1778, when a commissary of war within the State, acting however under their direction, took the matter more particularly in charge.<sup>42</sup> They were also active in forwarding an exchange of prisoners whenever possible.<sup>43</sup>

Other matters of a miscellaneous character occupied the Governor and Council at times. Permits to individuals to pass to and from the State were issued. Refugees from Long Island were assisted to Connecticut and the local town committees asked to provide for those that were destitute.<sup>44</sup> On the order of the Assembly, in accordance with a plan formed at a convention of New England States, the Governor and Council established and conducted a system of weekly couriers. When delegates from New England and New York met in consultation the Governor and Council twice appointed Connecticut representatives.<sup>45</sup> In the summer of 1776 when Colonel Wolcott, one of the representatives of the State in the Continental Congress, returned home on account of sickness, the Governor and Council appointed one of their number in his place.<sup>46</sup>

With the exception of New Hampshire, Connecticut kept her Council of Safety longer than any of the other states. This was due to the fact that although the surrender of Cornwallis practically ended the war, the British still held New York and it was necessary for Connecticut to maintain and superintend a force adequate to protect the southern and western frontier. The last session of the Council of Safety was held October 28, 1783.<sup>47</sup>

<sup>42</sup> Public Records, I. p 482.

<sup>43</sup> *Ibid*, I. pp 87, 157, 195, 350. Votes of Gov. and Council, p 513.

<sup>44</sup> Hinman, p 384, 387. Votes of Gov. and Council. Public Records, I. p 179.

<sup>45</sup> Public Records, I. pp 132, 355; II. p 99.

<sup>46</sup> *Ibid*, I. p 355; Votes of Gov. and Council, p 735.

<sup>47</sup> Votes of the Gov. and Council.

## CHAPTER II.—THE MIDDLE COLONIES.

## 1. NEW YORK.

New York, as a whole, did not enter the Revolution willingly. A large part of her population were loyalists, composed of quiet, industrious farmers, who did not feel the grievance of England's commercial policy, and desired chiefly to be allowed to cultivate their fields in peace. The opposition was organized and managed largely by the merchants of New York, who hoped by resistance to break down the restrictions that burdened and hampered their trade. They were energetic, shrewd and capable men, and while the British government in New York delayed to put forth its strength to crush the resistance that was crystallizing in the local committees, these quickly grew into a provincial government that drew away the Governor's authority, controlled the city of New York, and forced the unorganized farming population into submission. Yet the change was not accomplished without a struggle, and without violence and bitterness. It was not, moreover, a complete success. Parts of New York remained throughout entirely loyal, while others took advantage of the first approach of British soldiers to declare for the King. The revolutionary government, therefore, occupied a much more insecure and difficult position than those of the New England states.

The regular Assembly of New York was loyal. It had indeed chosen a committee of correspondence and had sent delegates to the Continental Congress, but in 1774 it refused by a vote of twelve to eleven to consider the proceedings of that body. It was adjourned April 3, 1775, to the next month, but was prorogued from time to time and never came together again.

In the city of New York there existed at this time a Committee of Sixty, formed to carry out the Non-Importation Agreement of the Continental Congress. This Committee issued a call to the counties for a Provincial Convention to meet April 20, 1775, to elect delegates to the central Congress. This Provincial Convention was followed by another, the invitation being sent this time through the city's Committee of Inspection. As in the former case the call was sent to the revolutionary committees of the counties, where any existed, if not, to some prominent man on the American side to call the freeholders of the county together to elect delegates to a Provincial Congress to meet in New York May 22, 1775, to take measures for the defense of the Colony. Representatives from eleven counties responded.

The conservative element in the Convention was large and was successful in preventing a vote of approval of the proceedings of the last Continental Congress from being passed,<sup>1</sup> although the opposition secured a measure recommending to the counties and towns the election of local committees to carry out the will of the Continental and Provincial Congresses.<sup>2</sup> Radicals and conservatives struggled to control the Assembly, giving it no consistent policy. June 25 it took steps regarding the enlistment of the militia,<sup>3</sup> yet soon after sent a letter to its delegates in the central Congress, urging them to spare no effort to make peace with England or to compromise in some way this "unnatural quarrel."<sup>4</sup>

July 8, 1775, it adjourned for two weeks and appointed a Committee of Safety to take charge of certain matters during that time. The delegates from New York City appointed three members to give together two votes and the representatives of the other counties each one, to give one vote. Any other of the delegates that wished to attend could

<sup>1</sup> Journals of the N. Y. Prov. Cong., I. p 13.

<sup>2</sup> Ibid, I. 18.

<sup>3</sup> Ibid, I. 57.

<sup>4</sup> Ibid, I. 59.

do so and could vote. New York city was given a lion's share in the Committee through an arrangement by which the counties that were unrepresented in the Congress were represented on the Committee by men from that city.

The Committee of Safety was empowered by the Congress to carry into effect all its resolutions and recommendations, to open and answer all its letters, to comply with any requisition made by the generals of the Continental Army as far as it should think proper, to give directions to General Worcester or to the Commander-in-chief of the Continental troops within the Colony, provided such directions did not infringe the orders of the Continental Congress, to assign the money which the Continental Congress might send, for the payment of public debts already contracted, and for such further public needs as it should think necessary, the accounts being first audited and allowed by the Committee of Accounts.<sup>5</sup>

This Committee of Safety, it will be seen, is not a complete substitute for the Convention. It takes its place only as an executive body to carry out the measures that have been agreed on, to aid and direct the generals in the State and to expend the Continental money in the performance of these duties. It was not created to rule a State, but to prepare it, if necessary, for war. Its task lay almost entirely with military matters. This Committee ceased to exist when the legislature met again, but one similar was appointed upon its second adjournment, September 2, 1775, to continue in session until October 2. Besides the powers given its predecessor this Committee was authorized to commission field officers elected by the county committees, and to direct the militia, provided its orders did not interfere with those given by Continental officers. It was also empowered to issue the paper currency that had been voted by the Provincial Congress.<sup>6</sup>

<sup>5</sup> Journals of the N. Y. Prov. Cong., I. p 67. 70.

<sup>6</sup> Journals of the N. Y. Prov. Cong., I. p 135.



These Committees occupied themselves with preparing the Colony for the approaching conflict. The commissary was ordered to procure and forward to the troops food and clothing. Sufficient arms and ammunition were hard to obtain and the treasury was empty. Attempts were at first made to obtain war supplies from the Continental Congress. July 15 the Committee wrote to the New York delegates, "We have no powder, we have no blankets. For God's sake send us money, send us arms, send us ammunition!" Congress refused the application, however, except to supply it to some extent with money and the Committee was thrown on its own resources. The Committee of New York was ordered to search the city for spare arms.<sup>7</sup> The lead mines of the State were investigated,<sup>8</sup> a manufactory of arms was established, and a ship loaded for ports where gunpowder and arms were obtainable.<sup>10</sup> -

As a final step it was at length decided, on September 16, 1775, to disarm the Tory inhabitants of the Colony and in this way to at once render harmless any opposition to the new provincial government and to procure a supply of arms at small expense. Any persons who would not sign the General Association in support of the American cause, were to be deprived of their arms, which were to be returned to them when the war was over or the owner paid an appraised price. The chairmen of the County Committees, assisted by the militia, were to carry the measure into effect.<sup>11</sup>

It was a hazardous move. The Tory farmers might have come to acquiesce in time to the new régime if they had been left unmolested, or at least would hardly have felt the impulse to organize an active resistance, but this proposal to take away their arms because they would not join a rebel faction against their lawful King, touched them too

<sup>7</sup> Ibid, I. p 79.

<sup>8</sup> Ibid, I. p 138.

<sup>9</sup> Ibid, I. pp 142, 148.

<sup>10</sup> Journals of the N. Y. Prov. Cong., I. p 79.

<sup>11</sup> Ibid, I. p 149.

nearly for indifference and made the new government a synonym for irresponsible tyranny. Many of the loyalist inhabitants either hid their arms, or boldly declared they knew nothing of the Congress or its orders, and stood ready to fight and die before yielding their weapons. Those that submitted cherished a hatred for the Revolution, and large numbers of the indifferent passed into definite opposition.<sup>12</sup> The Provincial Congress therefore wisely passed a vote disapproving the measure and abrogated it October 24, 1775.<sup>13</sup> The following March, however, the Continental Congress, always hard pressed by clamors for war supplies, recommended to all the colonies to disarm the Tories.<sup>14</sup> The New York Committee of Safety again set the machinery of district and town committees in motion, in obedience to the request, but experience prompted the caution that all possible prudence and moderation be used. It is difficult to estimate the number of arms gained, but it would not seem to fairly balance the antagonism of the farming population.<sup>15</sup>

The Committee of Safety was active in raising troops, in commissioning officers and in sending them to guard exposed places and to erect fortifications. It found itself unable to use the power granted it over the Continental officers. The Committee ordered one of these generals to fortify the Highlands. He refused, on the ground that Washington had ordered him to remain where he was and that no provincial authority had the right to interfere in the disposition of Continental troops. Until ordered by the Continental Congress or the Commander-in-Chief he would not go. The Committee wisely refrained from pressing the point.

The Committee kept watch of persons suspected of actively aiding the British, arrested them, with the aid of

<sup>12</sup> Journals of the N. Y. Prov. Cong., I. p 157. Flick, *Loyalism in N. Y.*, p 92 ff.

<sup>13</sup> Journals of the N. Y. Prov. Cong., I. p 184.

<sup>14</sup> Resolution of Mar. 14, 1776. *Amer. Archives*, 4th Series, Vol. I. p 1638.

<sup>15</sup> *Ibid.*, p 1410. Journals of the N. Y. Prov. Cong., p 151.



militia, and tried them.<sup>16</sup> Ordinary crimes against the law and civil cases the Committee did not touch. The courts under English authority were still open and were administered by English magistrates. The Committee saw no reason for interference. It was hoped the breach with England would not be final, and they were performing a duty which the new government had its hands too full to undertake. The Committee of Safety therefore discouraged any attempt of the county committees to draw such matters into their own hands and supported the magistrates and constables in their offices.<sup>17</sup> The situation was anomalous and must have sadly puzzled those who could not see why disobedience to the law was punished in one case and obedience in another. The Committee was on good terms also with the Mayor of the city, and with the officers of the British ships, the dread of whose guns checked the more radical. Men were even allowed to supply these ships with whatever they needed, until Washington rebuked a traffic that not only gave the enemy food, but regular intelligence of the American strength and movements.<sup>19</sup>

The proceedings of the Committee were brought before the Provincial Congress when it came together and, with the exception of the attempt to disarm the Tories, were approved.<sup>20</sup>

We come now to the third and fourth Committees of Safety of New York, which differed from their predecessors in having wider powers and in being created not merely to sit in the recess of Congress, but to perform certain duties while the legislature was in session.

December 16, 1775, the Congress appointed twelve men to be a Committee of Safety, of whom seven were to be a quorum. They were to sit until the second Tuesday of the

<sup>16</sup> Journals of the N. Y. Prov. Cong., I. pp 136, 141, 142, 144, 153, etc.

<sup>17</sup> Ibid, I. pp 77, 139, 147.

<sup>18</sup> Ibid, I. p 72, 138, etc.

<sup>19</sup> Sparks, Writings of Washington, III. 357, 358, 359.

<sup>20</sup> Journals of the New York Prov. Cong., I. pp 77, 90, 176, 181, 183, 184.

following June unless sooner dissolved by the legislature. They were given standing power to execute the orders and resolutions of the Continental and Provincial Congresses, to care for all military stores, and to purchase arms and ammunition when they saw fit. They might apply by drafts on the Treasurer all money that had been appropriated by the Congress and appropriate and spend for contingencies and for secret service any sum under £5,000. If the treasury could not furnish the money, they were to answer the appropriations and applications intrusted to them by a vote of credit to be made good by the Provincial Congress. They were also instructed to emit the paper currency arranged for by the legislature, if necessary. In the recess of Congress, in any emergency, or when the use of military force seemed necessary they were to direct the militia or such Continental forces as had been put under the control of the Provincial Congress. They were to open and answer all letters of the legislature and to call it together if they felt occasion warranted. They were empowered to arrest and examine all persons refusing to obey the Continental and Provincial government and either discharge them or send them to the county committees for final trial. The Committee was to keep an exact journal of its proceedings for the inspection of the legislature.<sup>21</sup> By subsequent resolutions the Committee was directed to take charge of the election of a new Provincial Congress to meet in May, 1776, and was allowed the same power in nominating and electing military officers and in granting and refusing commissions as the legislature.<sup>22</sup>

This Committee did not complete the term of life marked out for it. It was dissolved by the Provincial Congress and a new Committee almost identical in character elected March 15, 1776, to continue until May. In this Committee, as in the first two, the votes were to be given by counties and any member of the Congress that desired

<sup>21</sup> Journals of the N. Y. Prov. Cong., I. pp 222, 223.

<sup>22</sup> Journals of the N. Y. Prov. Cong., I. pp 222, 223.

could attend and vote.<sup>23</sup> Its acts followed closely in character its commission. The Congress did not examine or question its proceedings, and while it might have called it to account at any time, as a matter of fact it was left largely to itself.

The question with whom the command of the Continental troops within the State should rest, an example of the inevitable conflict between sectionalism and nationalism, was again agitated, and ended as before in the defeat of the Provincial government. When Lee entered the Province, the Committee of Safety which had admitted him much against its will<sup>24</sup> ordered him to put himself under its direction.<sup>25</sup> The Committee relied for justification on a recent resolution of the Continental Congress which authorized the Provincial governments to call Continental troops to their aid, and on such occasions to take control of them.<sup>26</sup> Considering the opposition which the Committee had made to Lee's entrance it is singular that it should have presumed to cite this act to support its claim. Lee acted under orders from General Washington, not at the request of the New York government, and the simplest dictates of military expediency showed the impossibility of a divided and alienated command. The Committee in its desire to prevent Lee from provoking an attack of the British fleet was blind to the evils its claim entailed. Lee, on his side, seems to have been unfamiliar with the resolution of Congress and to have taken it for granted that it placed the Continental troops at any time under the provincial government of the province in which they then were.<sup>27</sup> He felt his hands tied and his position ridiculous.<sup>28</sup> He was saved from his difficulty by a committee which was sent from the Continental Congress, at

<sup>23</sup> Ibid, I. p 363.

<sup>24</sup> Ibid, I. p 363.

<sup>25</sup> Ibid, I. pp 259, 266.

<sup>26</sup> Amer. Archives, 4th Series, IV. p 1629.

<sup>27</sup> Spark's Revolutionary Correspondence, I. p 136. Amer. Archives, 4th Series, IV. p 954.

<sup>28</sup> Spark's Revolutionary Correspondence, I. p 140.

the request of the New York delegates, to inquire into the expediency of Lee's expedition and consult with him and with the Committee of Safety on the most prudent and advisable measures to adopt.<sup>29</sup> This Committee supported Lee in his command and negated at once any claim of the Committee of Safety to independent control. The Committee was obliged, though with reluctance, to yield its point.<sup>30</sup> A little later, in a letter to Washington regarding four battalions then being raised in New York for the Continental service, the Committee spoke of these troops as acting under its "immediate command." Washington at once wrote to know whether he was entitled to any authority over them, and if so, how much? The Committee is ready this time to avoid a conflict. Immediate direction, it hastens to assure Washington, refers only to forming and equipping the troops. "And this," adds the provident Committee, not to exclude his "solicitude to see them speedily completed and armed."<sup>31</sup> No further trouble arose, after this acknowledgment by the Committee itself of its own limitations.

The Committee acted as unwilling paymasters of the militia, claiming that such work was outside its jurisdiction, and that it introduced too great complications in its accounts.<sup>32</sup> Any policy intended for the State as a whole required the co-operation of the local committees to carry it into effect. Neither the Provincial Congress nor the Committee of Safety possessed any recognized authority over these committees. There was a constant tendency on the part of the counties to assume an independence, inconvenient to the Provincial government. One of the local committees copying the central government laid an embargo upon its county, prohibiting the export thence of any food supplies. For violation of this ordinance it detained a man who was driving cattle to New York City. The man applied

<sup>29</sup> Journals of the N. Y. Prov. Cong., I. p 274.

<sup>30</sup> Journals of the N. Y. Prov. Cong., I. pp 277, 278.

<sup>31</sup> Ibid, I. p 422.

<sup>32</sup> Ibid, I. pp 244, 276, 286.

for relief to the Committee of Safety, who granted him permission to go on and resolved that in its opinion no local body should prevent supplies from reaching New York unless it had proof that they were intended for the enemy. The action of the county is not regarded as being beyond its capacity, but is condemned merely on the score of expediency.<sup>33</sup>

From the summer of 1776 to the spring of 1777 Committees of Safety were appointed to sit in the adjournment of Congress or to carry on the business of the State, when, as frequently occurred, too few members were present to proceed as congress or convention. The size of these Committees varied from seven to ten members and any one from the convention that was present could vote. A quick transition was thus possible from Committee to Convention, the addition of a single member to the former, for example, making a quorum for the latter.<sup>34</sup> The Committees received only the most general instructions; "to exercise such powers.....as shall appear necessary for the safety of the State," and were regarded not so much as committees appointed for certain duties, or as the executive department, but rather as a substitute government, legislative as well as executive. New York in this way solved the problem of carrying on the government, when, as often happened throughout the colonies, it was impossible to secure a quorum of the legislature. The Committee was empowered to send for absent members of the legislature and at one time no member could leave the neighborhood without the Committee's permission.<sup>35</sup> October 15, 1776, the idea for which the Committee was created reached its fullest development when it was declared that the Committee of Safety, twenty members being present, might do every act of which the Convention was capable except to form a government.<sup>36</sup>

<sup>33</sup> Journals of the N. Y. Prov. Cong., I. pp 267 and 268.

<sup>34</sup> Journals of the N. Y. Prov. Cong., I. p 647.

<sup>35</sup> Ibid, I. pp 629, 643, 648.

<sup>36</sup> Ibid, I. p 677.

The Convention seemed so well pleased with this arrangement, which put upon the shoulders of a few the burden of the government and set free the rest, that once a Committee of Safety was appointed it became difficult to ever get the other members together to form a convention. The Committee might summon the absent members of the legislature to attend, but could not enforce its summons. On one occasion when the Committee was striving to keep the legislature together it passed a resolution declaring that no member of the Convention should leave the neighborhood of Fishkill, where they were then sitting, under penalty of expulsion. But the Convention meeting next day nullified the act by lightening the penalty to a reprimand and again adjourned.<sup>37</sup> The Committee, therefore, after unsuccessful attempts to gather a Convention, often ended by doing itself the business on which it had wished the legislature to act.

The Committee of Safety lightened its labor by the employment of sub-committees. Some were chosen to consider and report on certain measures, others were standing committees with special duties such as the care of the poor.

During its intermittent sittings the Convention had at length framed a form of a government for the State, providing for a Governor, Lieutenant-Governor, Senate and House of Assembly. On May 8th, 1777, the Convention chose a Council of Safety of fifteen men to provide for the welfare of the State until its government should be fully organized, and invested them with all powers necessary for the safety and preservation of the State, until the meeting of the new legislature, which was set for the first of the next July. The Council was to count the votes for Governor, Lieutenant-Governor and Senators after the election arranged for by the Convention had been held, and declare those that had been duly elected. It was then to administer the oath of office to the Governor

<sup>37</sup> Journals of the N. Y. Prov. Cong., I. p 801.



and Lieutenant-Governor, and resign the executive power at once into their hands.<sup>38</sup>

On May 13 the Convention dissolved not to meet again. The New York Council of Safety was thus left in a position identical with the Council of Safety of Vermont, representing the highest power in the State with no other authority to check or control it. The Convention had intended that it should be relieved of its duties, in a little over a month, but the uncertainties of the times delayed the elections and the response of those elected, so that it was not until the last of July that the Governor took the oath of office, and the Assembly did not meet until October.<sup>39</sup>

The Assembly was in session but one day. It at once elected a new Council of Safety after the model of the last, in which every member of the legislature could sit and vote, and which was to continue, it vaguely provided, "so long as the necessities of the State require."<sup>40</sup> The fear of the British army then in New York caused the delegates to think rather of protecting themselves and their families than of serving the State. It was impossible, they wrote in excuse to the Governor, to keep the legislature together on so critical an occasion.<sup>41</sup> The Council of Safety therefore did not escape from legislative duties. It was also obliged to take an ever increasing share in the executive department.

On July 30, George Clinton had left his post in the army to become Governor of New York, and the Council of Safety at that time explicitly gave up to him all executive power.<sup>42</sup> The newly made Governor, however, remained but a short time, returning soon to his troops. The impossibility of the same person filling at once the position of Brigadier-General and of State Governor, of

<sup>38</sup> Journals of the N. Y. Prov. Cong., I. pp 910, 916, 918.

<sup>39</sup> Ibid, I. pp 1020, 1061.

<sup>40</sup> Ibid, I. p 1062

<sup>41</sup> Journals of the N. Y. Prov. Cong., I. p 1062.

<sup>42</sup> Journals of the N. Y. Prov. Cong., I. p 1021.



executing the duties of a military officer and a civil magistrate led inevitably to the neglect of one department. Clinton chose to devote himself to the army and the Council was obliged to assume and fulfill his executive duties.<sup>43</sup> The Council took up the task only gradually and with reluctance, at first asking the Governor's approbation of any step which it took independently. In time, however, the initiative came to rest with it and it proceeded almost entirely on its own responsibility.

Executive and legislative duties the Council had been obliged to assume. It refused, however, to take upon itself judicial duties, except in so far as its freedom as a legislature made it necessary, in accordance with a former vote of the Convention, to review the proceedings of the court-martials and either give or withhold its approval. The Convention had erected courts of justice and had appointed judges to administer them. To these, therefore, the Council referred all civil cases.<sup>44</sup> Some few Tories they examined, but the Committee for Detecting Conspiracies was the body before which such cases were regularly carried.

The Council voted itself twenty shillings a day remuneration,<sup>45</sup> claiming that the preceding Convention had authorized such payment, although no vote to that effect appears on the records. It was not unreasonable, however, for the members to give themselves some compensation for a long and arduous service.

A panic came over New York in the summer of 1777, which even the surrender of Saratoga did not allay. The counties implored help or declared they must yield to the enemy. During the long days of uncertainty and peril the Council was constantly occupied in keeping courage in the faint-hearted by messages of exhortation and

<sup>43</sup> Clinton had been elected Lieutenant Governor as well as Governor, and no arrangement had been made to vest the former office in another person.

<sup>44</sup> *Journals of the N. Y. Prov. Cong.*, I, p 1010.

<sup>45</sup> *Ibid.*, I, pp 1053, 1099. The sum seems large, but as payment in coin is not specified, it was probably made in paper.

rebuke. Troops were sent when possible to the relief of threatened points. Even Clinton was asked to bring his army to the north. The militia were backward in enlisting and in taking the field. The Council was obliged to order that all persons under sixty who had been previously exempt from military duty by reason of their professions or other cause, must now answer the draft.<sup>46</sup> The Council was also busy providing the army with war stores, food and clothing.

During the troubled period of its existence the duties of the Council bore little resemblance to those which the government of a State in peace would be called upon to perform. Disintegration was characteristic of the period. Each locality managed itself, and looked after its own affairs, while the central government was concerned chiefly in raising and maintaining an efficient army in the field. Supreme power in the State, it was true, was theoretically lodged in the hands of the few men of the Council, but with no power to enforce their will in the counties, and with their attention completely absorbed in providing means to repel an enemy, there was no danger that the power thus intrusted would develop into a practical tyranny over the inhabitants. The Council, moreover, was conservative and cautious. What the day demanded it provided for, but it had no desire to frame any new policy for the State or to attempt to enforce it. That it felt was to be left to the regular Assembly.

In December the Governor issued a proclamation calling the legislature together on January 5, 1778, and the Council notified the members by letters. An attempt was made to hold a preliminary convention on December 17, to prepare some matters for the Assembly, but not enough members responded to make this practicable. At length, on January 5, the Senate and House of Assembly met, and the Council of Safety gave over its power into their hands.<sup>47</sup>

<sup>46</sup> Journals of the N. Y. Prov. Cong., I. p 1023.

<sup>47</sup> Journals of the N. Y. Prov. Cong., I. pp 1092, 1103.

## 2. NEW JERSEY.

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The first Committee of Safety of New Jersey was appointed at the August session of the Provincial Congress, 1775, just prior to its adjournment for a month. Eleven men were chosen, including the President and Vice-President of the Congress, the act stating simply that they should be a Committee of Safety during the recess, without further instruction or explanation.<sup>1</sup>

The lower house of New Jersey's regular Assembly had favored colonial opposition, but had been hampered by the loyalty of the Governor and upper house, and was not prepared, moreover, to go so fast or so far as the more radical of the people desired. A Provincial Congress representing the more progressive element in the Colony had therefore come into being, which was drawing to itself the powers of government and preparing for war. It was to keep this Congress in existence in some form, that its work might not suffer while a majority of the members took a recess, that the Committee of Safety was appointed. A second Committee was chosen at the October session and the practice was continued until the meeting of the Assembly under the new constitution in the fall of 1776.

The Committee was designed as an executive to carry on the government when the legislature adjourned, and its discretion was allowed to be the guide and sanction for its acts. No definite commission was given it, but we can gain from various resolutions of the Congress or Convention<sup>2</sup> some idea of its power.

It possessed equal authority with the legislature to commission military officers and to appoint all above the

<sup>1</sup> Minutes of the N. J. Provincial Congress, 194.

<sup>2</sup> July 18, 1776, the N. J. Provincial Congress assumed the name of Convention. Amer. Archives, 4th Series, XI. 1648.

rank of captain.<sup>3</sup> The minute-men took oath to obey its commands, and any militia officer was answerable before it, in the recess of the Convention, for any disobedience or irregularity.<sup>4</sup>

It shared the power of the purse. The balance of the money, that the Treasurer had received for paying delegates to the central Congress, together with all that might hereafter come into his hands, was, the Provincial Congress declared, to be drawn out at the direction of the Provincial Congress or the Committee of Safety. When the legislature issued £30,000 of paper money it was to be spent only as the Congress and Committee of Safety saw fit and could be drawn out on their order and not otherwise.<sup>5</sup>

It was further granted authority to convene the Congress before the time appointed, if it thought best. Its compensation was left at first to the committees of the counties which the members represented. In 1776 the Provincial legislature voted the members six shillings a day.<sup>6</sup>

Extensive and indefinite as the authority of the Committee was, a sufficient safeguard existed in the fact that it was limited to the adjournment of the legislature, disappearing as soon as that body came together. So far from using its prerogatives despotically the Committee seemed rather to shrink from the responsibilities which its position imposed, and to refer to the Provincial Congress matters over which it might have assumed jurisdiction.<sup>7</sup> This was due partly to the fact that power in those days meant not honor and wealth, but danger and hostile criticism, and was therefore little courted.

<sup>3</sup> Minutes of the N. J. Prov. Cong., 188.

<sup>4</sup> Ibid, 188, 191.

<sup>5</sup> Ibid, 193, 252.

<sup>6</sup> Minutes of the N. J. Prov. Cong., 253, 443.

<sup>7</sup> For example, it referred a dispute in the county of Salem about the appointment of field officers to the legislature for settlement. It was unwilling to appoint militia officers, writing to the Continental Congress that it was persuaded their appointment by the legislature would give much greater satisfaction. (Minutes of the N. J. Prov. Cong., 331, 333).

The new constitution prepared by the Provincial Convention was adopted in the summer of 1776 and the first legislature elected under its provisions assembled in the fall. The following months saw the retreat of Washington through the State and the spread of panic and despair. Many who had been accounted faithful Whigs hastened to secure the protection of British arms; the militia hung back from the contest and the Tories multiplied and rose into importance. The legislature, fearing that the advance of the British left no opportunity to prepare for action or to secure safety, dispersed. The year closed with the battles of Trenton and Princeton, which stemmed the tide and brought back courage to legislature and people.

The danger was not over, however. New Jersey was to be for some time the battle ground of the Revolution and the Tories were still numerous and active. In January, 1777, the Assembly met again and the Governor, to meet the critical situation, advocated the election of an executive body with a larger authority than had been committed to any person by the constitution.<sup>8</sup> Circumstances demanded that the State put forth its hand and compel the exultant Tories to feel its strength, that it force them to realize that treason meant death, that disaffection in itself was dangerous, and that what the State enacted it could enforce. At this time suspected loyalists were dealt with by Justices of the Peace. These officers could summon before them any person who fell under their suspicion for disloyalty and tender him the oaths of abjuration and allegiance. If he refused to take them he was bound over to the next court of General Sessions of the Peace, which, if he still refused the oaths, could fine or imprison him.<sup>9</sup> There were two objections to this procedure. It was slow, and, owing to the state of the province, uncertain. The Tories in those districts where loyalists predominated would refuse to recognize the juris-

<sup>8</sup> Mulford Hist. of New Jersey, p 437.

<sup>9</sup> Almon Remembrancer, 1776, Pt. 3, 229.

diction of the courts and it was difficult to bring cases before them, or to enforce their sentences. It was to provide machinery to strike down quickly and effectively the smallest sign of discontent and disaffection, that the government might struggle free from the opposition that blocked its path, that the new Council of Safety was created.

On March 15, 1777, the law defining its powers was passed. The Governor and twelve others were constituted a Council of Safety. In criminal matters it was to have the authority of justices of peace throughout the State. It could arrest any persons suspected of being disaffected to the government, and after examining witnesses against them, could commit them to jail. It was to see that the laws of the State were executed and, if it seemed best, could recommend to the Speaker to call the Assembly earlier than the time to which it stood adjourned. Such militia of the Colony as it needed were given it to carry out its orders, and to serve as a body-guard. Each member of the Council was to receive as compensation twelve shillings a day, and any sum not over £1,000 might be spent in the performance of its duties. The duration of the act was limited to six months.<sup>10</sup> The Council was thus a body authorized to sit continually for the next half year, to deal particularly with crime and disloyalty, and supplied with a body of soldiers to render its decrees effective and to free the members from personal fear.

By an act of June, of the same year, the laws against the Tories were made more severe.<sup>11</sup> Any person found attempting to reach the protection of the enemy's line without permission from a high military officer or from the Governor and Council of Safety was guilty of capital felony, and was to suffer death. The Governor and Council of Safety could, however, offer such persons permission to enlist in the American army or navy and the acceptance of this condition constituted a full pardon. The same privilege was

<sup>10</sup> Laws of N. J. 1777. 1st session, 3rd sitting, Chap. XXII.

<sup>11</sup> Ibid, 1777. 1st session, 4th sitting, Chap. XXXI.



granted to persons found guilty of aiding the enemy or of committing other acts of treason, of maintaining any authority in the State other than the American or of seeking to bring that authority into contempt. At the discretion of the Governor and Council of Safety those crimes which were cognizable before a jury might be dealt with in any other county than the one in which they were committed,<sup>12</sup> a provision of much importance, since it enabled the State to remove the offender from a disaffected district where it would be impossible to secure a condemnation. That it might lead to gross unfairness and place innocent persons at the mercy of a prejudiced jury of Whigs was perfectly true, but the government was fighting for existence and the weapon with broadest sweep was best suited to its purpose, though it struck down as well what opponents might claim as the safeguards of constitutional liberty.

In cases where the Governor and Council of Safety had called before them suspected persons who refused to take the oaths, if they were held too dangerous to be allowed their liberty, they might be imprisoned until the next Court of Quarter Sessions, and any house or building that the Governor and Council chose to use for the purpose was considered a legal jail.<sup>13</sup> The enemy having resorted to kidnapping many on the American side and conveying them into its camp, the Governor and Council of Safety were authorized to retaliate, and to arrest and imprison as many Tories as might be necessary to induce the enemy to release those Whigs that they had taken.<sup>14</sup> An absolute authority was thus granted over those inhabitants of the State, whose only fault was a difference of opinion which might have found expression in no overt act. Such persons might be arrested at the will of the Governor and Council of Safety and imprisoned indefinitely. It seems a provision at once despotic and un-

<sup>12</sup> Laws of New Jersey, 1777, 1st session, 4th sitting, Chap. XXXI., Sec. 5.

<sup>13</sup> Ibid, Sec. 6.

<sup>14</sup> Ibid, Sec. 12.



necessary. The result of such retaliation must always be doubtful. The knowledge of the suffering of many of the Tories might never reach the ears of the English. If it did, it was far more likely to provoke further reprisals than conciliation. The measure would serve also to drive hesitating Tories to find safety with the enemy. Such legislation was the outgrowth of fear and hatred, not of statesmanlike judgment of the situation. It was further provided that the Governor and Council of Safety should send within the enemy's lines the families of those who had already sought refuge in its camp. United States troops were ordered to assist them, as the Provincial militia had been before. Permission was granted to the Council of Safety, when it was impossible to secure a quorum, to call in any Judge of Common Pleas or Justice of the Peace, who for the time being was to be considered to all intents and purposes a regular member.<sup>15</sup>

September 20, the Council of Safety having expired with the act that framed it, a new one was created to last until the end of the next session of the Assembly, an unusually strong executive being still necessary in the opinion of the heads of the State. The Councillors were made as before, Justices of the Peace in criminal cases, and in addition it was left optional with them whether they should take charge, in that capacity, of purely civil matters. Some power over the army was granted in the privilege of supplying any vacancy that might occur among the officers, their appointments to be subject to the approval of the next Assembly. The authority over the Tories was retained and supplemented by directions to deprive them of their arms, paying for them an appraised value.<sup>16</sup>

The activity of this Council was found so beneficial to the State that it was felt necessary to continue it at the December sitting of the legislature. Its commission was,

<sup>15</sup> Laws of N. J., 1777, 1st session, 4th sitting, Chap. XXXI., Secs. 4 and 7.

<sup>16</sup> Laws of N. J., 1777, 1st session, 5th sitting, Chap. XL.

however, altered a little. It was forbidden to deal at all with cases of a civil nature and the provision directing retaliation for kidnapping was repealed. The Governor and Council of Safety might exempt militia-men from duty, and were to make temporary provision for wounded soldiers or for the families of those that had lost their lives in the service. Two thousand pounds were granted them for expenses.<sup>17</sup>

In April and in June, 1778, this Council of Safety was continued.<sup>18</sup> It expired in October of that year and was not again renewed.

The New Jersey Council of Safety differed from those of the other colonies in that its energies were focused more directly in the judicial department. It was created to try criminals and the disaffected, not to care for supplying and organizing the troops or to act as a substitute executive, there being already a capable Governor.

Turning to consider the actual work of the Council of Safety, we find that it sat in each of the different counties in turn, taking thus the central government into the localities and bringing it visibly before every inhabitant. It did not wait till cases were brought before it, but ordered certain persons whom it could trust to make lists of all dangerous and disaffected men in their county, who were then arrested by the militia and brought to the Council. That body did not try the case and pronounce final judgment. Instead it served to secure the persons of the Tories, to sift the cases by a preliminary examination, to see if any charge was made against them, and to hold the accused in prison till the next Court of Quarter Sessions, before which they were tried. In a large number of cases the work consisted only in binding the disaffected to the cause by administering to them the oaths of abjuration and allegiance.<sup>19</sup> The Coun-

<sup>17</sup> Ibid, 1777, 2nd session, 1st sitting, Chap. VI.

<sup>18</sup> Ibid, 1778, 1st sitting, 2nd session, Chap. XX., and 3rd sitting, 2nd session, Chap. XXXI.

<sup>19</sup> Minutes of the Council of Safety of N. J., 8, 11, 13, 16, 22, 23, 25, etc.

cil of Safety, however, took cognizance of those men who were accused of selling goods at a higher price in Continental paper than hard money, tried and imposed a fine upon them if guilty.<sup>20</sup>

The Council of Safety was tireless in the execution of its duty. That it was successful is shown by the fact of its being continued from session to session as an essential department of the government. The Assembly found its work both necessary and "very beneficial." In 1780 Governor Livingston wrote, "The Tories are grown so impudent that nothing but another Council of Safety will reduce them to order."<sup>21</sup> The opinion of those persecuted can be easily imagined. James Allen, a conservative Pennsylvanian, writing in the period, said: "No country has ever been more harassed than Jersey. Those who are called Tories, though they have been passive, having been plundered and imprisoned without mercy."<sup>22</sup>

<sup>20</sup> Minutes of the Council of Safety of N. J., pp 196, 202, 212, etc.

<sup>21</sup> Memoir of Gov. Livingston by Theodore Sedgewick, p 281.

<sup>22</sup> James Allen Diary, Penn. Mag., IX. 280.

### 3. PENNSYLVANIA.

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Pennsylvania, as the largest and most influential of the Middle States, was an object of solicitude to the leaders of the Revolution. Her acts would be copied by the rest of the group, and it was necessary that her conservative Quaker population should be won over skillfully and carefully to the side of armed resistance and eventually to independence.

The Assembly of the Province showed itself not unwilling to join the American cause. In 1775 the Governor was quietly pushed aside and disregarded. The Assembly, guided by Dickenson and other moderate Whigs, approved the proceedings of the Continental Congress and chose delegates to represent them there. They recognized the "Associators," as the volunteer militia called themselves, and voted to supply them with arms and ammunition. In fact Pennsylvania, if moving more slowly than Massachusetts or Virginia was in the same stream, and it seemed at this time as if the whole population of the State might be swung into the full tide of the movement, without rendering necessary any vital change of government.

The Governor being put aside because he disapproved of the attitude of the Assembly, that body appointed a Committee of Safety to take his place. The suggestion came from the Committee of Inspection and Observation of the city of Philadelphia, which represented the more radical elements in the colony. In a petition to the Assembly it recommended the appointment of a Committee of Safety, with discretionary powers, to act for the defense of the State "in the present time of danger and uncertainty."<sup>1</sup> The Assembly accepted the rec-

<sup>1</sup> Amer. Archives, 4th Series, II. 1167-70.

ommendation, which committed it still further to the revolutionary movement, and appointed the Committee June 30, 1775. It consisted of twenty-five members, of whom seven were a quorum. It was empowered to call out the militia if necessary, to pay them and to furnish them with arms and other equipments. It was to provide for the defense of the Province against insurrection and invasion and encourage and promote the manufacture of saltpetre. To accomplish these ends it was authorized to draw orders on the Treasurer for such sums of money as it should need.<sup>2</sup>

The Committee of Safety was created merely to take charge of the military establishments of the Colony. None of the regular executive duties which the Governor exercised in times of peace were given it. Yet the control of the military force of the Colony and the authority to draw upon the treasury to support it brought the Committee necessarily a commanding position. The Committee was reappointed in October, 1775, with the addition of some new members, and continued until the middle of the next July, when it was superseded by a Council of Safety appointed by a Provincial Convention.

The Committee of Safety, after its creation, proceeded at once to provide the militia with arms and other war stores. The arms and ammunition that were already in the Province were inspected and taken under the charge of the Committee of Safety, through whose order alone they could be obtained.<sup>3</sup> By thus controlling the war supplies the local committees and the Associators were brought necessarily into dependence upon the central Committee. Manufactories for powder and saltpetre were established, cannon were cast and the counties employed in making firelocks. Ships were sent to trade with the French and Spanish West Indies for arms and the captains were insured by the Committee

<sup>2</sup> Col. Rec. of Penn., I. 280.

<sup>3</sup> Col. Rec. of Penn., X. 286, 288, 297, 299, 346, etc.

against the loss of their vessels.<sup>4</sup> Agents were appointed to supply the troops with clothing and food and the Committee settled the pay and the rations of the men.

To provide money for the Committee, the Assembly had issued bills of credit to the amount of £35,000,<sup>5</sup> but this proved insufficient and the Committee was obliged to borrow from the Continental Congress, until more was voted.<sup>6</sup>

Representing as the Assembly and its Committee of Safety did the moderate section of the population the Tories did not suffer so much under its administration as in other colonies. The legislature had given the Committee no power to examine and try suspects, but it claimed the right from a recommendation of the Continental Congress.<sup>7</sup> The local committees had previously exercised this authority, and in a test case it was not given up by the Committee of Philadelphia without a warm debate, but it finally complied with the wish of the Committee of Safety and recognized its jurisdiction.<sup>8</sup> In other counties, however, the local committees were allowed to deal with the suspects with a freer hand.

The Continental Congress often referred persons it held dangerous to the cause to the Committee of Safety for examination and punishment,<sup>9</sup> and the latter further served the Congress by appointing agents at its request, to arrange exchanges of prisoners.<sup>10</sup> The connection of the Committee of Safety with the Congress was naturally close and the latter made the Committee its agent in many matters.

The Assembly left the Committee with a free hand. It asked for an account of its proceedings when it chose, but this was of rare occurrence.

<sup>4</sup> *Ibid.*, 411, 421, 425, 459, 479, 642.

<sup>5</sup> *Ibid.*, 282.

<sup>6</sup> *Col. Rec. of Penn.*, X. 605, 608.

<sup>7</sup> Passed Oct. 6, 1775. That it be recommended to the several Provincial Assemblies or Councils and Conventions, or Committees of Safety, to arrest and secure every person in their respective colonies whose going at large may in their opinion endanger the safety of the colony or the liberties of America. (*Amer. Archives*, 4th Series, II., 1891.)

<sup>8</sup> *Col. Rec. of Penn.*, X. p. 358. Christopher Marshall Diary, pp 45,

<sup>9</sup> *Col. Rec. of Penn.*, X. 470, 472, 533, 581, 603, 639.

<sup>10</sup> *Col. Rec. of Penn.*, X. 563, 564, 595, 596.



The Committee was largely occupied in organizing the militia and bringing it into shape for effective use. Rules were prepared for its government and discipline and for establishing the rank of the officers.<sup>11</sup> The resolutions of the Continental Congress regulating the choice of officers, the accoutrement of the soldiers and the formation of minute-men were dispersed through the counties and the local committees were requested to make return of the number of Associators and Non-Associators in their district.<sup>12</sup>

The Committee commissioned the militia officers and appointed all above the rank of captain. When battalions for the Continental service were organized in the State, it recommended field officers for them to the Continental Congress and commissioned the lower officers.<sup>13</sup> The enlistment of soldiers lay with the Assembly, but the Committee occasionally would direct the force of the Province to be slightly increased.<sup>14</sup>

With the militia rested the ultimate strength of the government, and in their ranks were the most radical of the population. It was impossible for them to view with equanimity the Quakers, who refused to arm themselves or in any way contribute to the cause. If the Americans were successful these non-combatants would win the fruits of the struggle without the labor. If the English subdued the rebellion they would be innocent of all participation. Petitions therefore poured in upon the Assembly and Committee of Safety to lay the Quakers under some direct contribution and commit them definitely to the cause. A petition of this kind from the privates of the Philadelphia companies illustrates the arrogant and insubordinate spirit in which the militia, conscious of their strength, advised the government. They refuse to sign the rules and regulations made for them by the Committee of Safety because they hold it contrary to the true intent of legislation to oblige one part of a

<sup>11</sup> *Ibid.*, 308, 318, 391.

<sup>12</sup> *Ibid.*, 3138.

<sup>13</sup> *Ibid.*, X. 432, 442, 446, 449, 450.

<sup>14</sup> *Ibid.*, X. 464, 467.



community to do military duty while the other does nothing; because they fear that they may be used as a standing army by those now in charge of the government to destroy the liberties of the Colony; because they denied the right of the Committee of Safety to enact these rules, legislative power being derived only from the people and the Committee being in no way dependent on that sovereign body; lastly because they would not submit to any law which did not bear equally on every inhabitant of the Province.<sup>15</sup>

The reasoning is confused enough and the allusions to natural rights, with which the eighteenth century American loved to prop a claim, are irrelevant, because in plain terms what the soldiers had to say was this, "Make the Quakers support this war, or we refuse you obedience." The fear that the government would entrap them into becoming unwilling agents of its tyranny, comes somewhat strangely from men who felt themselves strong enough to tyrannize over that government and dictate its policy. Yet in spite of the inexpediency of the demand, and the insult to authority it conveyed, it had to be respected. If the militia would not obey the government, the government must yield to the militia and the radicalism that it represented. The Committee of Safety therefore petitioned the Assembly to tax the Non-Associators to an amount equal to the expense and loss of time incurred by those that served in the army.<sup>16</sup> The Assembly hesitated, unwilling to alienate the large conservative element from which it drew its support, yet afraid to antagonize the militia. It at length yielded to the latter and imposed the tax.

Besides organizing the militia and appointing the officers the Committee created a naval armament for the Colony. Ships were bought or built and armed and manned for the defense of the harbor. Officers for the ships were appointed and commissioned and a Commodore chosen to

<sup>15</sup> Pennsylvania Packet, Oct. 9, 1775.

<sup>16</sup> Col. Rec. of Penn., X. 349, 492.

command the fleet.<sup>17</sup> The ships were under the direction of the Commodore, Committee of Safety and Assembly, and were to leave no station assigned them without permission from one of these three.

The navy proved as difficult for the Committee to manage as the army. The radicals in Pennsylvania who desired independence and wished to bring the Colony to their view were impatient at the conservatism of the Assembly. If the result was to be accomplished they felt it could not be through the present legislature in which the Quakers and the moderate Whigs, like Dickenson, were intrenched. The leaders were looking forward in the spring of 1776 to wresting the power from the Assembly by the creation of a Provincial Convention to be made up of their representatives, which should bring Pennsylvania into line with the more advanced colonies. The outcome of this plan will be seen a little later. The militia of the navy, in sympathy with the advanced party took every opportunity to discredit and oppose the Assembly and its Committee of Safety. That the Committee did not trust them is shown by the fact that it held it necessary to send a delegation from its number to the fleet, to be upon the spot to enforce its orders and to summarily suspend any disobedient officer.<sup>18</sup>

About the first of May 1776, the Pennsylvania ships had an engagement with the British ship "Roebuck," in which the latter was allowed to escape, it was commonly thought, too easily. The officers of the fleet, anxious to throw the blame on other shoulders, made the already unpopular Committee the scapegoat, declaring it guilty of negligence in not furnishing the fleet with sufficient ammunition, a charge certain to be taken up and used effectively against it by the Philadelphia radicals.<sup>19</sup>

A further example of insubordination was furnished when the Committee decided to appoint Captain Davison as

<sup>17</sup> Col. Rec. of Penn., X. 456.

<sup>18</sup> Col. Rec. of Penn., X. 559.

<sup>19</sup> Col. Rec. of Penn., X. 582.

Commodore of the fleet. The choice was unpopular with the other captains, because they had been passed over in favor of a younger man, and a memorial was sent by them to the Committee expressing their objections, and their determination not to obey the new commander.<sup>20</sup> The Committee at first stood firm and issued a commission to Davison, and instructions.<sup>21</sup> But it was not strong enough to maintain its position. There was being held at this time a conference, called by the Philadelphia Committee of all the local committees of the Province, who represented the extremists and which was arranging for the election of a provincial convention to take the place of the Assembly. This conference at once espoused the cause of the officers, as those gentlemen without doubt expected, and recommended the Committee of Safety to issue no orders to Davison as Commodore of the fleet.<sup>22</sup> The Committee without basis for resistance among the people or in the militia was forced to acquiesce. It represented a lost cause—armed resistance without independence. It had alienated the Quakers by going too far, and the radicals by not going far enough. The extremists possessing the militia had matters in their own hands. The Committee therefore carried out the recommendations of the Conference.<sup>23</sup> A day or two later it summoned Captain Dougherty, one of the protesting officers, and placed him in command of the fleet.<sup>24</sup>

<sup>20</sup> Col. Rec. of Penn., X. 606. Amer. Archives, 4th Series, VI. 966. The petition shows in how little respect the Committee was held. The captains positively declare that they will not obey any commander so irregularly set over them. "And lest this Board," they go on to say, "should imagine that your Remonstrants intend to resign their commissions, in case such an appointment should take place, they would inform this Board that as the safety of their country appears to require it they mean to continue in the service, and to appeal to the justice of their country."

<sup>21</sup> Col. Rec. of Penn., X. 608.

<sup>22</sup> Col. Rec. of Penn., X. 615.

<sup>23</sup> *Ibid.*, X. 616.

<sup>24</sup> Col. Rec. of Penn., X. 617. The case of Captain Davison came before the Council of Safety appointed by the new Convention when it met. The Council recognized the danger of sanctioning any act of insubordination as fully as the Committee, now that it occupied its seat. It was declared that the charges brought against Davison were of a frivolous character and discovered a spirit of licentiousness among the other officers inconsistent with their duty to their country, and unjustifiable on military principles. The Council thus repudiated the former declarations of its party and admitted the previous govern-

The Committee issued an address to the public to justify its appointment of Davison and the document shows the difficulty of its position. The Committee, it says, "are not so blinded by Self Love, or so lost in their own importance, as not to perceive that both Confidence and Authority are considerably shaken and impaired; not resting on a foundation altogether unpopular, their existence has been beheld with jealousy and by an opposition, formed on mistaken and unworthy principles their conduct in almost every branch of the public service has been traduced and villified. After accumulated mortifications, why they still continue to keep their seats, ought to be accounted for." It then explains that Davison was appointed because of his competence and at the express desire of the officers for a man from their own number, "even though he should be the youngest among them." They deprecate the interference of the Conference as it meant the division and weakening of power at a critical time and the destruction of its own authority. The members only continue in their office, they go on to state, because at present no body of men could be appointed to take their places, and because they may, "fettered in their authority as they are, still render some small services to the country" while they "look forward with pleasure to the short period of a few weeks, which is to deprive them of the seats they have held, of late so much to the dissatisfaction of some men, and uneasiness to themselves."<sup>25</sup>

Their service was nearly over when this was written. The Convention decided upon by the conference of committees was elected and met in Philadelphia in July. The conservative elements had refused to participate in the elections and the members returned were of the most advanced party. The Convention had been merely called to form a new constitution for the State, which the extremists had decided on

ment to have been in the right. Policy demanded Davison's dismissal however, and it was given, on the ground that the officers did not have the confidence in him necessary to a successful command. (Col. Rec. of Penn., X. 701, 702.)

<sup>25</sup> Col. Rec. of Penn., X. 627, et seq.

as necessary to overthrow the old government. It proceeded, however, to take upon itself the administration of the State.<sup>26</sup> The Assembly had been paralyzed by the withdrawal of the radical elements from attendance. A quorum could not be procured and the Assembly had adjourned until August. Its days of authority were over forever. It came together for a little time in the fall and passed a few resolutions in opposition to the Convention, but never met afterwards. With the Assembly died its Committee.<sup>27</sup>

The power of the State lay now with the Convention. July 23, it elected twenty-six men to form a Council of Safety, fifteen from Philadelphia and vicinity and one from each of the other counties. Every member was obliged to renounce his allegiance to the King and promise support to the American arms before entering office. The old Committee of Safety was ordered to lay its accounts and proceedings before the Convention. It complied and stepped quietly aside to make room for the new government and its officers.<sup>28</sup>

There seems little doubt that if the extremists could have checked their impatience Pennsylvania would have joined the Revolution, in time, heartily and wholly, and that abrupt and radical change in the government would have been unnecessary. This change brought with it a train of evils from which Pennsylvania suffered throughout the war and which rendered her unable to successfully defend herself when the time of trial came. The new constitution was hastily formed and never submitted to the approval of the people. It had many grave defects and was exceedingly unpopular. It caused the withdrawal of the moderate Whigs from the support of the government and it was nearly impossible to organize the departments of the State under it. When the members of the Assembly elected under the con-

<sup>26</sup> P. L. Ford, *Pennsylvania's First Constitution*, *Political Science Quarterly*, X, 426 ff.

<sup>27</sup> *Amer. Archives*, 5th Series, II, pp 542-546. James Allen, *Diary*, *Penn. Mag.*, X, 188.

<sup>28</sup> *Amer. Archives*, 5th Series, II, p 5.

stitution came together in the fall of 1776, the more moderate representatives, unable to secure the alterations in the constitution which they desired, withdrew and rendered the Assembly thereby as helpless as the old legislature had been in the summer.<sup>29</sup> The provincial government was thus brought to a standstill at a most critical time. The Continental Congress was obliged to interfere and threaten that they would take the government of Pennsylvania into its own hands if the inhabitants were not able to provide for it themselves.<sup>30</sup> This brought forth some show of unity and a few steps were taken to call out the Associators, but the legislature was scarcely heard of, or noticed until the election of new delegates the following February to take the place of those that had withdrawn, made it possible to organize with more success.<sup>31</sup>

The Council of Safety therefore occupied a more difficult position even than its predecessor, the Committee of Safety. The Assembly could not be relied upon to give it aid or direction. It had to depend upon itself and upon the support of the Continental Congress. It had opposed to it a large part of the Colony composed of the Tories, the Quakers, and the more moderate Whigs. It owed its creation to the revolutionary party and to remain in power must keep on good terms with the army. This Council of Safety was in existence from July, 1776 until the middle of March, 1777. At that time the Supreme Executive Council in which the constitution placed the executive authority of the government, having been organized, took control of affairs.

The acts of the Council bore a close resemblance to those of the preceding Committee, the same kind of duties falling to its charge. It procured war stores for the troops and sent agents into the counties to collect clothing, blankets, etc. Persons suspected of practices against the

<sup>29</sup> P. L. Ford. *Pennsylvania's First Constitution*, Political Science Quarterly, X. James Allen, *Diary*, Penn. Mag., X.

<sup>30</sup> *Diary of James Allen*, Penn. Mag., IX.

<sup>31</sup> *Ibid.*



American cause were examined and punished and prisoners of war were taken into custody. The execution of the orders of the Council was put into the hands of the field officers, and the rough and lawless militia exasperated and further alienated the Non-Associators. James Allen in his diary gives a picture of the condition of affairs. "To describe the present state of the Province of Pennsylvania," he says, "would require a volume. It may be divided into two classes of men, viz: those that plunder and those who are plundered. No justice has been administered, no crimes punished for nine months. All power is in the hands of the associators, who are under no subordination to their officers."<sup>33</sup> He was himself arrested and brought before the Council, because the people, knowing him to be a man of influence in his country, who was opposed to the radicals, looked to the Council to put him on parole, and he was accordingly obliged to take oath before the Council to do or say nothing against the American cause.<sup>34</sup>

The courts of justice being unorganized, the Council occasionally considered ordinary infractions of the laws of the State. Thus it tried a forger and sentenced him to States prison, and again, it assumed jurisdiction in a case of assault and battery.<sup>35</sup>

The Council took over all money in the hands of the Committee of Safety<sup>36</sup> and with this and loans from the Continental Congress paid the military expenses of the government. The Council took every means to urge the reluctant militia into the field. Bounties were offered and the Council proposed to provide generously for the families of those who would march to join Washington in New Jersey.<sup>37</sup> Harsh measures were also tried. Any Associator of Philadelphia who had not marched with the militia to New Jersey or who did not enroll himself as one of the city

<sup>33</sup> James Allen's Diary, Penn. Mag., IX. 196.

<sup>34</sup> Ibid, 193, et seq.

<sup>35</sup> Col. Rec. of Penn., X. 696, 723.

<sup>36</sup> Ibid, X. 674.

<sup>37</sup> Ibid, XI. 22.



guards was to be subject to all the fines and penalties of a Non-Associator.<sup>38</sup> The militia were quartered upon those who refused to serve and troops were sent into the counties to disarm all who would not enter the army, and to seize and treat as an enemy any one who opposed the execution of this measure.<sup>39</sup>

When Philadelphia was threatened the Council was determined that nothing should be considered but the defense of the town. Shops and schools were closed, and every able-bodied citizen was compelled to labor on the fortifications or to provide a substitute, under penalty of confiscation of his goods.<sup>40</sup>

But neither its endeavors nor those of the Assembly and Supreme Executive Council after it could keep Howe from the capital. The city fell September 26, 1777, and the government moved to Lancaster, and attempted to rule the State from that place. The time had arrived as provided in the constitution for the dissolution of the legislature and the election of a new one, but it was impossible, in the distressed and disorganized condition of the State to hope that elections could be held. With a hostile army in possession of the capital the situation demanded not a deliberative assembly but a dictator. The people, however, were not ready to receive such a manifest violation of the rights of freedom and equality as the elevation of a single man to absolute power. The Assembly therefore compromised by appointing, October 13, a group of dictators, under the name of a Council of Safety. It consisted of the Supreme Executive Council and nine others. It was given full power to promote and provide for the preservation of the Commonwealth by such regulations and ordinances as seemed best to it. Any person infringing these ordinances or the laws of the State relating to traitors or any one who, from his general conduct and conversation was

<sup>38</sup> *Ibid.*, X. 691.

<sup>39</sup> *Ibid.*, XI. 100, 51.

<sup>40</sup> *Ibid.*, XI. 46, 60.

deemed inimical to the cause of liberty might be summarily seized by the Council or its agents, imprisoned and punished either capitally or otherwise as the Council saw fit. It was enabled to regulate the prices of such articles as it needed and to compel a sale of them when wanted. The Council was to continue until the end of the next session of the legislature, but the Supreme Executive Council was given discretionary power to dissolve it before then, if it saw fit.<sup>41</sup>

The Council thus possessed absolute power as far as the Assembly could bestow it. It was without check. It could imprison and put to death its enemies at will and confiscate their goods. The life and property of every citizen of the State rested in its hands. It was intended to subdue the Tory opposition and compel the obedience of the militia; to forcibly bring the disorganized and decentralized province into closer dependence upon and better co-operation with the central government.

The Council followed out the purpose for which it was created and the province during its short administration was under a reign of terror. Those who had not sworn allegiance to the State were specially levied upon to supply arms, accoutrements, blankets, shoes, etc., for the army,<sup>42</sup> and the commissioners appointed to collect them might use force if necessary, a provision that laid the Non-Associators open to the violence and license of the soldiery.<sup>43</sup> Prices at which goods should be sold to the Commissary of the army were arranged by the Council, a certain source of irritation to every farmer and manufacturer, since the depreciation of the paper currency had caused an enormous rise in prices.<sup>44</sup> Furnishing the King's armies with provisions or giving them any aid was punished with death.<sup>45</sup> All persons that joined the King's army or resorted to any

<sup>41</sup> Col. Recs. of Penn., XI. 325, et seq.

<sup>42</sup> Ibid, XI. 328, 339.

<sup>43</sup> Ibid, XI. 352.

<sup>44</sup> Ibid, XI. 334, 336, 338.

<sup>45</sup> Ibid, XI. 327.

city in its possession suffered confiscation of their estates.<sup>46</sup> A more summary method of punishing engrossers than that provided by the ordinary course of the common law was ordered.<sup>47</sup> Those who owed fines for refusing military service and would not pay, were obliged to see the amount levied from a forced sale of their goods.

Thus the Council drew the reins of autocratic powers sharply over the State, to force it to obedience, that the new government might be carried past the crisis. Constitutional scruples waited on the primary necessities of safety and success, which were to justify (how completely it is hard to tell) the harsh means employed. The Council went further in its legislation than the Assembly altogether approved. At its meeting after the dissolution of the Council, while it was willing to sanction the greater number of the Council's acts, it disapproved and repealed those relating to the collection of arms by force and the fixing of prices.<sup>48</sup>

The Council existed from October 13th to December 6th, 1777. The progress of the enemy was then sufficiently checked for the elections to be held, and the Supreme Executive Council issued a proclamation declaring the Council of Safety dissolved.<sup>49</sup>

<sup>46</sup> *Ibid.*, XI. 329.

<sup>47</sup> *Ibid.*, XI. 337.

<sup>48</sup> Penn. Archives, First series, Vol. VI. p 73.

<sup>49</sup> Col. Rec. of Penn., Vol. IX. p 353.

## 4. DELAWARE.

In the absence of records relating to the colony of Delaware it is impossible to deal with its Committee of Safety at any length.<sup>1</sup> A Committee of Safety was appointed by the Assembly at some time during the summer of 1775, and probably continued until the first legislature under the new constitution came together.<sup>2</sup> There were also Committees of Safety for the different counties but it is uncertain whether these county committees were composed of subdivisions of the provincial Committee or whether they were elected by the freeholders of each county.<sup>3</sup> It is also impossible to tell exactly what the functions of the Committee of Safety were. Sharf speaks of an important meeting of the Committee held at Dover on September 11, 1775, at which it was employed in perfecting the military organization of the three counties.<sup>4</sup> It was probably occupied chiefly in raising and equipping the army as in the other colonies.

The Assembly under the State constitution met October 28, 1776. It was the duty of the House and Legislative Council to elect a Governor and Privy Council, but for some reason this was not done before their first adjournment. The House therefore proposed to the Council that the two should choose a Council of Safety to act as executive during the recess. The Council concurred and fifteen men were appointed on November 7, 1776, five being taken from each of the three counties.<sup>5</sup>

This Council of Safety evidently acted in sections, the representatives of each county assuming control over their own district,<sup>6</sup> although for some purposes they may have met as one body. The Council lasted until January 10, 1777, when the legislature met again and appointed the President and Council for the State.

<sup>1</sup> Neither the Journals of its legislature nor of its Committee of Safety during this period are in existence. No official records of Delaware between 1735 and 1776 are known to be extant.

<sup>2</sup> Sharf's Delaware, p 223, et seq.

<sup>3</sup> Ibid, p 223.

<sup>4</sup> Ibid, p 225.

<sup>5</sup> Minutes of the Council of Delaware, pp 22, 23, 24. The Journals of the Council of Safety have not been preserved.

<sup>6</sup> Ibid, p 75.

5. MARYLAND.

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In Maryland the conservative character of the people, and the prosperity they had enjoyed during the colonial period, made the transition from English supremacy to independence gradual. There was no sudden wrenching away from the old government and assumption of complete control by revolutionary bodies. The Governor allowed the Assembly to die by repeated prorogations, and the provincial conventions, in succeeding sessions, slowly took up its powers. The Governor remained in the Province, an honored and respected officer, though with ever diminishing authority until the spring of 1776, when for the sake of the public peace and safety, the Convention courteously asked his withdrawal. Even then the royal government was acknowledged as the permanent and established form, and the Convention as occupying a place of power, only for the time, to lead the Colony through a temporary trouble. Not until the Declaration of Independence did Maryland realize that the old régime was dead and a new government for the State must be framed.

The Governor lost first his military power, for the Convention, while willing that he should perform his civil duties, took to itself the control of the Colony's militia. The Convention which met in July, 1775, pledged itself to repel force with force and to support the American opposition. All freemen were directed to enlist in the militia, forty companies of minute men were organized, and a Council of Safety was elected by the Convention to command them.<sup>1</sup>

The Council was composed of sixteen members, eight from the Eastern and eight from the Western Shore. It was to direct and regulate the operations of the minute men

<sup>1</sup> Proceedings of the Md. Conventions, p 19, et seq.

and militia, and appoint and commission all officers. It might suspend any officer, or displace him after a full hearing and appoint and commission another in his stead. In the recess of the Convention it could call minute men into service in Maryland or the neighboring colonies, but the militia could only be ordered to serve within their own province. It was to draw for all expenses on the treasurer. A general power to carry out the orders of the Convention, and to strengthen and defend the Province in whatever way seemed best was added. The limit of its existence was set at the meeting of the next Convention to which it was to render an account of its proceedings. The members of the Council from either Shore might meet separately, and were enabled in such cases to grant commissions for court-martials, to hear and determine high and dangerous offenses, and in case of immediate and pressing danger to call out the militia or minute men. It was strongly recommended, however, that this latter power be used as infrequently as possible, and be left rather to the joint meetings. To prevent abuse of authority four members from either Shore were to be ineligible to the succeeding Council.<sup>2</sup>

In January, 1776, a second Council was appointed with similar powers, to sit until the end of the session of the next Convention, thus retaining the Council as executive while the legislature was in session. The number was reduced from sixteen to seven. Its duties were enlarged to include the trial of suspects sent by the county committees. These it was to hold in custody till the next Convention or banish at once if it saw fit. It was further directed to provide the troops with tents, camp utensils, provisions, etc. Fourteen shillings a day were granted its members as compensation.<sup>3</sup>

The following Convention in electing a new Council increased the number to nine, a precedent which was followed in subsequent appointments.<sup>4</sup>

<sup>2</sup> Proceedings of the Md. Conventions, p 24, et seq.

<sup>3</sup> Ibid, 117, 118.

<sup>4</sup> Ibid, p 161.



The Convention of June, 1776, and the Constitutional Convention of August of that year each chose Councils of Safety.

The first Assembly of the State of Maryland met in February, 1777, and with the inauguration of the Governor the last Council of Safety went out of existence. The Assembly, however, found it necessary to endow the Governor and his Council with the same powers that the Council of Safety had enjoyed, and they continued to exercise them until the end of the March session of the legislature, 1778.<sup>5</sup>

The same duties were given to each Council and nearly the same men were chosen to fill the position, the provision rendering part of the members ineligible being soon dropped. It was better, Maryland found, to have trained and efficient men in a place of such responsibility and take the risk of their assuming undue power, than to jeopardize the province by trusting undisciplined hands.

The duties of the Council, as has been seen, were similar to those given the Councils of Safety in other colonies, being largely military. They were under the control of the conventions and reported to them. While the Convention was in session, it frequently imposed particular tasks upon them, as the erection of a powder-mill, the fitting out of armed ships, or the enlistment of troops.<sup>6</sup>

The movement toward independence in Maryland was slow, and there were always hopes in the hearts of her statesmen, until the last, that reconciliation might be possible. The war did not force itself at once upon her, as it did upon Massachusetts, and Maryland while enlisting and organizing her soldiers, did not feel the pressure of immediate occasion for their use. She sent troops to Virginia, to New York, and supplied her quota for the flying camp for the Middle Colonies, but her own soil was untouched during these years, and she had nothing worse to fear than the

<sup>5</sup> Hanson's *Laws of Maryland for the year 1777*, Ch. 24.

<sup>6</sup> *Proceedings of the Md. Conventions*, pp 63, 158, 169, 184.



depredations of the British ships that hung about the bay. It is for this reason in large measure that the Council of Safety seems to lack in part the energy and enterprise that characterized the executives of the more northern colonies, who were driven by necessity to extraordinary activity. One has further an impression in dealing with the Maryland Council of a lack of centralization and system. In the New England colonies, the central committees or councils have in their own hands the multifarious threads of the business of the military establishment and regulate and superintend the most minute details. In Maryland the Council did not seem to grasp and control the whole situation. The Province and its forces seem too large for it to handle and matters were often left at loose ends or given over to a great degree to others to care for.

The Council obtained arms and ammunition for the militia by contracting with manufacturers and by trading with the French West Indies. The county committees assisted by collecting whatever public arms were in the Province, repairing and caring for them and delivering them at the Council's order.<sup>7</sup> The arms manufactured were not always satisfactory and the work was slow. The West India trade was hazardous and subject to losses. The Council never obtained ammunition enough. The companies that had been enlisted were for this reason retarded in marching and sometimes rendered wholly useless. When the troops for the flying camp were being prepared the Council was reduced to the necessity of borrowing arms from the militia that remained in order to furnish those that were to go. The step was unpopular as the counties feared to be left defenseless. The soldiers parted with their arms unwillingly and many were not afraid to interpose an absolute refusal until they saw the Council's money in exchange.<sup>8</sup>

Lack of forethought in providing for the maintenance of the troops after they were once organized is noticeable.

<sup>7</sup> Md. Archives, XI. 128, 149, 203, 209.

<sup>8</sup> *Ibid.*, XII. 20, 57, 80, 87, 117, 142.

No efficient and uniform system prevailed of supplying food, shelter and clothing. Sometimes the captains were directed by the Council to take charge of these matters, sometimes the county committees, again the Council undertook it itself.

No one was directly or wholly responsible and the result was that the men were often poorly supplied and ill cared for. Captain Beall writes from Drumpoint: "I looked upon it when I came, everything must be provided for one part of my company. . . . It is a fact there is not house room for twenty men, can it be expected the men can encamp out among the pines without blankets or tents. Upon the whole I must say this company. . . . has been greatly neglected. . . . The arms that were sent to Drumpoint are vile trash. . . . not eight out of twenty can make any use of."<sup>9</sup> Captain Kent writes in a similar strain, "we find there is no provision made for camp equipage, such as cooking utensils, etc. That no person is authorized to pay the men their wages, nor any provision made for getting back when relieved. . . . Many of the poor young men are barefooted and I am obliged to advance the money or leave them behind."<sup>10</sup> Other complaints of a like nature often enough filled the ears of the Council.<sup>11</sup> In the latter part of its administration the duty of providing for the troops was given more and more into the hands of special agents.

With the Council rested the supreme command of the troops, save that the Convention alone was able to order the militia out of the Colony. No occasion arose, however, to test in any way its ability to deal with an invading army. Occasionally British ships sailed up the bay on marauding expeditions, and to any point which was threatened the Council sent companies of militia to repel any attempt to land.<sup>12</sup> In case of sudden attack, when it was impossible for

<sup>9</sup> Md. Archives, XI. 452.

<sup>10</sup> Ibid., XI. 173.

<sup>11</sup> Ibid., XI. 195, 224, 243, 247; XII. 133.

<sup>12</sup> Ibid., XI. 206, 207, 209, 224; XII. 47, 50.

the officers to consult with the Council, that body allowed the Brigadier-General, or if it was not possible to apply to him, the other field officers to direct the troops, stipulating, however, to be informed at the earliest possible moment, of their proceedings.<sup>13</sup> In Kent County where no field officers had been appointed the County Committee of Observation was given this power.<sup>14</sup>

Much reliance was placed on these local committees. They were elected in accordance with resolutions of the Provincial Convention and were in close relation with the central government. The Council was in constant communication with them, directing them to collect arms, to provide clothing, to give an account of the state of their militia, of the approach of the enemy, and so forth. They were the means of bringing the different portions of the Province and its needs into touch with the Council, which trusted largely to their suggestions and recommendations. "You will acquaint us," it wrote the Baltimore Committee, "as soon as you can with any measures you may think necessary for your defense that may be in our power, and we will forward them with all expedition."<sup>15</sup> The local committees reported to the Council the situations which they considered most advantageous for the county troops to occupy, and the troops were accordingly ordered to those places. Every respect was paid to these suggestions. "We think," the Council write to Saint Mary's Committee, "that Leonard Town is the proper station. Should you think otherwise, we should be glad to know your reasons that we may concur with you."<sup>16</sup>

The local committees were often more enterprising than the central Council. This was especially true of the Baltimore Committee. On the occasion of an alarm, without waiting for authority or direction from the Council, it at once threw up breastworks and began to equip a schooner. Powder and lead were collected in a safe place, and put

<sup>13</sup> Md. Archives, XI. 263.

<sup>14</sup> Ibid, XI. 254.

<sup>15</sup> Ibid, XI. 208.

<sup>16</sup> Ibid, XI. 304.

under guard and the Committee appointed a commissary of military stores to care for and to distribute them.<sup>17</sup>

More practical than the Council it saw the impossibility of collecting arms through the county without paying for them, and did not even attempt it. Instead it distributed to its agents a few hundred pounds as the most effective arguments of which they could make use.<sup>18</sup> Mr. Lux, one of the members said of the Committee: "I believe they mean to do right but it's quite necessary to keep them within bounds because their zeal will sometimes outstrip their prudence."<sup>19</sup>

In Maryland, as in Pennsylvania, the Council of Safety, because it represented the conservative and moderate elements, had to deal not only with the Tories as opponents, but with the more radical of the revolutionary party. In Pennsylvania the extremists were strong enough to gain the government, in Maryland they were less numerous and did not attempt to control the central authority but rather defied it with acts of lawlessness.

In dealing with these offenders the Council showed a culpable leniency and indifference. When insubordination arose among the troops of Queen Anne's county and the militia refused to acknowledge the officers appointed and commissioned by the Convention and Council and acted under others of their own election, neither Convention nor Council stepped forward to maintain discipline.<sup>20</sup>

In Baltimore this radical element was strong. Robert Christie, a sheriff, who, although holding a commission under the old system, had peaceably occupied his office under the protection of the new government, had been invited by the authorities to read the Declaration of Independence to the people, and had refused as he was still loyal to the King. This displeased some of the more hot-headed patriots, who served him with a notice to leave the State at once under

<sup>17</sup> *Ibid.*, XI. 256, 257.

<sup>18</sup> *Ibid.*, XII. 708.

<sup>19</sup> *Ibid.*, XI. 322.

<sup>20</sup> *Ibid.*, XI. 487; XII. 287.

peril of death. He was refused permission to remain till morning but obliged to take horse at eleven o'clock at night. Christie reported the matter to the Council, with the names of the chief offenders, some of whom were militia officers. No attempt was made by the Council to reinstate or to compensate him. A letter was written the Baltimore Committee asking it to point out any person disobeying the laws of the State in a way to endanger it, but no further steps were taken.<sup>21</sup>

Similar illegal notices were served on suspected inhabitants of Annapolis, and so fearless were the law breakers that the name of one of their leaders was signed on the cards, and they were distributed in person by another.<sup>22</sup> If any authority was to be preserved to the government, if the lives of innocent citizens were not to depend on the selfish caprice of a mob, the offenders should have been dealt with at once and firmly. The signer of the cards and his assistant were arrested by order of the Council, brought before it and confessed their guilt. Instead of receiving any punishment or even being put under bonds to keep the peace, they were dismissed without reprimand on a mere verbal promise to keep the law in future.<sup>23</sup> If the quick severity which the situation demanded had been exercised and the violators of the law made to feel that license was no more tolerable under the new government than the old, the excesses of the Whig Club and its imitators would never have disturbed the Province and its Assembly in the following months.

The treatment of the Tories by the Council was as mild as their treatment of the radicals, but more justifiable, as the former never seriously threatened the existence and authority of the government. The county committees were apt to hastily seize upon men whose only fault was disloyal words, or a known sympathy with the English, and send them to the Council for trial. It was wiser not to rouse, by undue

<sup>21</sup> Md. Archives, XII. 517, 526, 536.

<sup>22</sup> *Ibid.*, XII. 539.

<sup>23</sup> *Ibid.*, XII. pp 547, 548, 560.

harshness, a quiet disaffection into armed opposition, and the Council again and again dismissed these suspects on their giving security for future good behavior. The conservative attitude of the new government, the loyalty and respect which Governor Eden commanded, and the remoteness of the enemy made the Tory problem in Maryland comparatively unimportant. The Council's treatment of Governor Eden, when suspicions were thrown upon him, is characteristic of its position.

General Lee came into possession of letters directed to Governor Eden, which praised him for his loyalty and carried the King's wish that he should co-operate with the British fleet. Lee sent the letters, not as he should have done, to the Maryland Council of Safety, but to the Baltimore Committee of Observation with the suggestion that Eden be at once seized. The letters were forwarded by this Committee to the Continental Congress together with an anonymous letter written by Purviance, the Chairman, in which the Council of Safety was charged with timidity, inactivity and want of spirit. Purviance then, without consulting his Committee, prepared to seize the Governor. The Continental Congress read the letters, and passed a resolution recommending the Council of Safety to follow Lee's suggestion. This the Council refused to do, holding that over a purely internal matter the Congress had no control. Instead, a deputation was sent to Eden to ask for his parole not to leave the Province. The Governor refused, on the ground that he could not consent to make himself a prisoner while acting in any degree as executive of the Province. He, however, assured the Council that he had no intention of leaving the Colony, and with this assurance it was content.

The plot of Purviance to seize Eden failed, but the Council came to a knowledge of the attempt and of the letter which he had sent to Congress. Its indignation was thoroughly aroused. "We consider," it wrote its delegates in Congress, "the authority of the whole province



trampled upon and insulted." Purviance was called before it and examined for the "high and dangerous offense" of assuming the supreme executive power. The Council did not wish to pronounce final sentence on account of the magnitude of the case, and he was therefore bound over to appear before the next Convention. That body, while approving the conduct of the Council, laid the blame rather on Lee than Purviance, and in consideration of the latter's previous service in the cause dismissed him with a reprimand. Public policy demanded, however, that the Governor should leave the Province. The Convention therefore signified to him that he was at full liberty to depart, and Eden accepted the hint.<sup>24</sup>

There is no doubt that the Council adopted the wiser policy in relation to the Governor. He was still nominally the chief executive, the civil officers held their commissions from him, and a majority in the Colony looked to him as their permanent head. His relations with the new provincial government had been of a friendly character, and he had labored steadily for conciliation. To have seized and displaced him would have been a betrayal of confidence, an unnecessary outrage to those who respected and loved him, and would have brought needless confusion into the affairs of the Province. As it was he took his leave after an affectionate farewell to the Council of Safety, attended to his barge with every mark of affection and respect.<sup>25</sup> Few other governors in that troubled time could testify to a similar experience.

William Eddis, one of the royal officials in Maryland, speaks repeatedly of the wisdom and moderation with which the Council of Safety conducted itself.<sup>26</sup> The self-restraint which enabled men endowed with such extensive powers to keep their hands free from tyranny and from petty cruelty is worthy of admiration.

<sup>24</sup> Md. Archives, 315-390. Proceedings of Md. Conventions, pp 143, 144, 150, 151.

<sup>25</sup> Eddis Letters, 313.

<sup>26</sup> Ibid, 271, 280, 283, 287, 306, etc.



Chancellor Hanson writing from personal knowledge of the period and of the Council, said: "Such an administration, the immediate offspring of necessity, might have been reasonably expected to be subversive of that liberty which it was intended to secure. But in the course of more than two years during which it was cheerfully submitted to by all except the advocates for British usurpation, not a single person fell a victim to the oppression of their irregular government."<sup>27</sup>

<sup>27</sup> Hanson's Laws of Md. Introduction.

## CHAPTER III.—THE SOUTHERN COLONIES.

## 1. VIRGINIA.

July, 1775, saw the Governor of Virginia a fugitive and the members of the Assembly met as a Provincial Convention to raise and embody an armed force to defend the Province. The flight of the Governor left the Colony without an executive head and the Convention therefore appointed, on the sixteenth of August, a Committee of Safety of eleven members to continue until its next session.<sup>1</sup>

It was to carry into execution all ordinances and resolutions of the Convention, to grant commissions to all provincial military officers, to appoint commissaries, paymasters and contractors and to provide for the troops. It was to issue warrants on the Treasurer to supply these agents with money and pay them for their services and to settle such incidental expenses as arose in connection with the military establishment. All public war stores were to be in its charge. The Committee, moreover, was made Commander-in-Chief of the forces of the Province, and every officer, to the highest, was obliged to swear obedience to it.

If sufficient danger threatened the Colony before the troops which the Convention had determined upon could be raised and organized, the Committee might call upon the volunteer companies which had already sprung up through the Colony, to take the field.

The Committee was directed to keep a journal and lay the account of its proceedings before the Convention for inspection. Its members were exempt from enlistment<sup>2</sup> and could hold no military office. A complete break with the royal government was insisted upon, since no member of the

<sup>1</sup> Amer. Archives, 4th Series, III. 384.

<sup>2</sup> Amer. Archives, 4th Series, III. 407.

Committee might fill any position of profit under the Crown. Fifteen shillings a day (which a later Convention reduced to ten) was the compensation allowed the members.<sup>3</sup>

By other acts of this Convention an appeal to the Committee of Safety was allowed any officer from the decision of a court-martial, and no sentence of death given in such a court could be executed until the Committee of Safety had given its approval.<sup>4</sup>

The Convention adjourned till the first of December, leaving the Committee of Safety in charge. At the beginning of the next session, the Committee was continued, and on December 16th, a new one appointed of the same size, to sit until the Convention's next session. The same powers that the former body had enjoyed were given it, and others added. Any person found aiding the enemy was liable to be seized and imprisoned, and his estates confiscated by the Committee, unless the latter saw fit to pardon him. Three men were appointed to act as a Court of Admiralty, and in all cases where the ship and cargo were condemned appeal was allowed to the Committee of Safety. It was, moreover, directed to commission five members from each of the county committees to have jurisdiction over all persons suspected of enmity to the State. It was to hear appeals from their decisions and its sentence was to be final. If a slave was taken in arms against the Colony or in possession of the enemy through his own choice, he could be sent by the Committee to any of the French or Spanish West Indies to be exchanged for war stores. If circumstances rendered his transportation inconvenient it could employ him in any way for the public service.<sup>5</sup> Those inhabitants who refused to take up arms in the American cause, provided they had committed no act of hostility or enmity, might leave the Colony, under a license from the Committee of Safety.<sup>6</sup>

<sup>3</sup> Ordinance of the Convention, Amer. Archives, 4th Series, III. 418, et seq.

<sup>4</sup> Amer. Archives, 4th Series, III. 406, 418.

<sup>5</sup> Ordinance of the Convention. Amer. Archives, 4th Series, IV. 148, et seq.

<sup>6</sup> Amer. Archives, 4th Series, IV. 90.

The last Provincial Convention, the body that framed the new constitution of Virginia, came together in May, 1776. It revived the Committee of Safety, whose term expired with its meeting, and continued it until its own dissolution on July 5th.<sup>7</sup>

Although the Assembly under the constitution was not to convene until fall, the Convention elected the Governor and Privy Council to take charge of the State till then and usher in the new régime. The need for the Committee of Safety therefore, was taken away, and it passed out of existence with the Convention.

The functions of the Virginia Committee were, in brief, to commission the officers, to command the troops, to appoint agents to equip and feed them, to pay the military expenses of the State, to imprison its hostile inhabitants, to hear appeals from the Admiralty Court, from the County Courts of Inquiry and from Courts Martial.

Its powers were extensive, controlling the military, and to a large extent the financial resources of the Colony, but during its administration no danger threatened Virginia sufficient to test the stability of its authority or its capacity to deal with a crisis. Its work during the year in which it was the executive of the Colony, consisted merely in organizing the militia, in providing it with necessities and in sending troops to retaliate upon the irritating incursions of Lord Dunmore. The greater part of the inhabitants were Whigs and the orders of the Committee were fulfilled without friction. Virginia was not, like New Jersey or Pennsylvania, the scene of a conquering army, and the problems that their Committees had to face were not presented. Neither was it at any time obliged to assume the whole authority of the State. The Convention was in session during much of the year, and directed the Committee in various ways. Even during its adjournments it was still in existence and could always be brought together if sufficient

<sup>7</sup> *Ibid*, VI. 1543.

danger threatened. The Committee of Virginia therefore occupied a less responsible position than the Councils of Safety of Pennsylvania, New Jersey, or of Vermont.

The Committee led a busy if not a stirring life. The actual work of procuring arms, accoutrements and provisions was largely in the care of commissaries and contractors chosen by it, but they were under the direction of the Committee and responsible to it, and every disbursement that was necessary to satisfy the wants of the troops, even the most minute, passed through its hands.<sup>8</sup>

Conservative and radical elements clashed in Virginia as in Pennsylvania. The disagreement was not sufficient to overthrow the existing régime, but centering, as it did, around prominent personalities, brought with it sufficient bitterness. Patrick Henry, the leader of the radicals, had been appointed Commander-in-Chief of the Virginia army by the Convention. At the head of the Committee of Safety was Edmund Pendleton one of the foremost conservatives. It would seem that Henry was, as a matter of fact, a better orator than general. At all events his military capacity was distrusted to such an extent by the Committee of Safety that Colonel Woodford, a subordinate, but more experienced officer was detailed by it to command the expedition against Lord Dunmore. Opportunity for military achievement was rare in Virginia then and Henry felt the task should have been his. He resented the fact that Woodford reported directly to the Committee and not to him and finally, when the Committee ordered Henry to prepare for winter quarters, it seemed it was purposely refusing him any opportunity of an engagement before the Virginia troops should be taken into the Continental army, when he would be deprived of chief command. Henry never forgot the treatment accorded him, nor did his friends. When he resigned his commission in March, 1776, ready tongues insinuated that the envy of the Committee had sought to un-

<sup>8</sup> For an account of its proceedings see *Journal of the Com. of Safety*, Calendar Va. State Papers, VIII. p 75-239.

dermine his reputation and force him to the step. Supporters of the government hastened to clear the Committee from blame. The factional contest reappeared later in the contest over the election of the President of the Virginia Convention,<sup>9</sup> and the question was discussed at large in the pages of the *Virginia Gazette*.<sup>10</sup>

Little judicial duty fell to the Committee. As has been seen the first trial of suspects rested with the judges appointed from the county committees and commissioned by the Committee of Safety and cases of appeal were only rarely brought before the latter.<sup>11</sup>

The greater part of the counties were well affected to the American cause but Princess Anne and Norfolk contained many Tories who lent aid to Lord Dunmore and gave intelligence of the plans of the Americans. These districts were sometimes ravaged by parties from the British fleet in search of provisions and the Committee of Safety, at the suggestion of General Lee, determined upon the extraordinary measure of removing the population of the two counties into the interior to keep the friendly inhabitants from harm, and to prevent the Tories from communicating with the fleet. An order to this effect was issued April 10, 1776. All inhabitants, whether friendly or hostile, that resided between the shore and the American posts, were directed to remove at once to the interior. To compel them to go, their live stock and slaves were to be seized by the army and redelivered only when they had complied with the order. All those in any part of the two counties who had previously joined the British side or taken oath to support it were to move at least thirty miles away from the shore, and, to enforce submission, the slaves of all suspected of belonging to this class were to be taken and to be returned only at the order of the Committee, when the owners were settled in

<sup>9</sup> Pendleton received the election.

<sup>10</sup> Wirt, Patrick Henry, I. p 333, et seq. American Archives, 4th Series, IV. 1519. *Virginia Gazette*, Mar. 15, 1776. Grigsby, *The Virginia Convention of 1776*.

<sup>11</sup> Col. Va. St. Papers, VIII. 159, 186, 199.



some secure place. Three men were appointed to superintend the matter and £1000 was to be advanced to them to pay the expenses. All who were willing to provide dwellings for the emigrants were requested to give notice in the *Virginia Gazette*.<sup>12</sup>

It is difficult to justify a proceeding so arbitrary and so productive of needless suffering. Its apologists have claimed that, though harsh, it was rendered necessary by the danger of the time. This does not seem probable, for Lord Dunmore had not shown himself able to gain any ground in Virginia or to deal the Americans any effective blow. The Committee may have feared the approach of Howe's fleet and army, but there was no certainty of their coming.<sup>13</sup> No serious danger threatened and it seems an absurdity, in spite of the grave assertions of the Committee, to depopulate the counties to protect them from marauding expeditions and to prevent the Tories from furnishing the fleet with supplies. It was reasonably certain that in leaving and losing their houses and land and their business, in subjecting their live stock and slaves to the uncertainty they must encounter before they were recovered and in removing to a strange part of the Colony the inhabitants would suffer more loss, discomfort and distress than it was possible to receive from the enemy's guns. As for the Tories it would seem far less trouble to keep so vigilant a guard that communication with the ships would be impossible than to attempt the task of transporting them all into the interior. It is a striking illustration of the despotic character of the revolutionary governments and of the folly into which their excessive fear of the British arms and their inexperience in government led them.

Steps were soon taken to enforce the order and Colonel Woodford was directed to take general charge of the removal, and to deal with the people as humanely as possible.<sup>14</sup> Woodford complied and set about his task.<sup>15</sup> This high-

<sup>12</sup> Spark's *Revolutionary Correspondence*, II. 488.

<sup>13</sup> Girardin, *Virginia*, IV. 144.

<sup>14</sup> Lee's instructions to Woodford. Girardin, *Virginia*, IV. 143.

<sup>15</sup> *Ibid.*, IV. 144.



handed interference with persons and property aroused inevitable opposition and a petition was sent to the Committee from Princess Anne County setting forth the distress that would ensue if the order was fully executed. It was therefore reconsidered and modified to some extent. Six men were appointed to find out those in the two counties who had taken active part in behalf of the American cause, those who had remained quietly neutral, and those who had appeared in opposition. The commanding officer at Suffolk or vicinity was to allow the friends and neutrals to remain unmolested, but to send into the interior all live stock not necessary for their subsistence. Those who had committed themselves against the cause were still forced to remove with their families and effects.<sup>16</sup>

The Convention met early in May and the conditions were altered again. Besides the Tories, the friendly inhabitants within certain sections were ordered to leave because of the particular danger of their situation. The rest were free to remain, unless the commander of the neighboring troops, on urgent necessity, saw fit to remove them. The expenses of the American sympathizers were to be paid by the public, those of the disaffected from the sale of their estates.<sup>17</sup>

It was found, however, that the people of the two counties were in distress for want of food, and on May 16, a resolution was passed by the Convention permitting the men of the Whig party to remain and care for their crops, but obliging the removal of their families, slaves and live stock.<sup>18</sup> There was little probability of this order being carried out. It took from the farmers the important service of their cattle and slaves. It involved the separation of families and placed the support of the women and children on the government. Having conceded so much, it is not surprising to find the

<sup>16</sup> Col. of Va. St. Papers, VIII. 166, 168.

<sup>17</sup> Girardin, Virginia, IV. 144.

<sup>18</sup> Girardin, Virginia, IV. 147.

convention a fortnight later rescinding the order for removal entirely, as far as it related to friends.<sup>19</sup> The Tories were still compelled to leave.

In the absence of evidence to the contrary it is reasonable to assume that the orders against the Whigs may not have been rigidly enforced, and that they may have suffered comparatively little. They were few in number and the frequent issue of directions concerning them, show that some at least must have remained in their homes throughout. Between April 10 and May 3, the officers probably waited to know the result of the petition. From May 3 to May 11, when the first order of the Convention was passed, the Whigs were under the protection given by the Council. There remained then only the time from the eleventh to the twenty-eighth when the order was repealed, when they were in any considerable danger, and during that period influence was probably busy to secure delay, mitigation and at length the total repeal of the obnoxious measure.

The Tories probably suffered considerably. Lee writes from Suffolk, on April 23, that he is busy clearing the country of them<sup>20</sup> and an overseer of the poor, in the county of Norfolk, speaks of the removal of a great many of the inhabitants with their families and goods.<sup>21</sup> The confiscation of their estates made their departure profitable to the government and it was therefore not likely to be stopped. The sufferings of the Tories darken the pages of our revolutionary history. Men dreaded the power of their numbers, their wealth and their influence, and fear was quick to devise harsh measures. However successful its work along other lines, the Virginia committee, in ordering the removal of the Tories from Princess Anne and Norfolk Counties, must stand condemned both for want of judgment and of humanity.

<sup>19</sup> Amer. Archives, 4th Series, VI. 1540.

<sup>20</sup> Spark's Revolutionary Correspondence, II. 493.

<sup>21</sup> Amer. Archives, 4th Series, VI. 1520.

## 2. NORTH CAROLINA.

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Of the two Carolinas the northern was less favored with the attention and care of the mother country. The affection and gratitude felt by her people toward England was much slighter than that which bound South Carolina; and neglect bred in them a self-reliance and independence that brought confidence of success when they joined the Revolution. Moreover the Governor of North Carolina and the Assembly were in conflict just previous to the war,<sup>1</sup> and the leaders of the latter at the first signals of general opposition broke away from the government, in relief at the prospect of having their own way, unhampered by the representative of the Crown. The ideas and principles of the Revolution found quick sympathy in North Carolina, and joined to their local troubles, won the people to the common cause. Provincial Congresses were called and in spite of the denunciations of the Governor, the administration passed into their hands.

Rendered powerless in his civil capacity, with no military protection, deprived even of the few cannon he had gathered for his defense, and feeling, with good reason, that his position was insecure, the Governor, in the summer of 1775, took refuge in the King's sloop of war, the "Cruizer," that was anchored in the Cape Fear river. The Congress thereupon shifted the blame for the situation upon his helpless shoulders, declaring that he had refused to exercise the functions of his office and abandoned his Province without occasion.<sup>2</sup> Having thus justified themselves, with a remin-

<sup>1</sup> The quarrel had risen chiefly over the question whether foreign attachments, that is, the seizure of the goods of an absent debtor, to compel appearance, should be allowed in the Colony. The Governor, following instructions from England, refused to consent to the measure, which the Assembly was determined should become law. The Governor, at length, tired of the obstinacy of the legislature, refused to call it together. See *Transition of N. C. from Colony to Commonwealth*, by E. W. Sikes.

<sup>2</sup> Col. Rec. of N. C., X. p 174.

iscence perhaps, of the British Parliament and James II., the Congress created a temporary executive of its own.

There already existed in the Province, town and county committees which had been in active operation since their appointment in the fall of 1774, as Committees of Inquiry and Correspondence. These committees regulated the affairs of their districts and treated harshly any who dared raise a voice in opposition.<sup>3</sup> This system of committees was too well rooted and too useful to be abolished, but their excesses had displeased many of the moderate Whigs and it was decided to bring them, if possible, under greater control.<sup>4</sup>

On September 9, 1775, a graded system of committees was established to serve as the Colony's executive, in place of Governor Martin and the royal officials. A Provincial Council of thirteen members was elected by ballot in the Congress, two named by the members from each of the six districts and one by the Congress as a whole. This Council in the recess of the legislature was to issue to the officers their certificates of appointment, which were to take the place of commissions. The militia officers that were chosen by the people might be disallowed in the Council, to prevent the choice of unsuitable persons. Any vacancies among the officers were to be filled at the Council's appointment. It was to have the direction, regulation and maintenance of the army, and the whole military establishment, subject only to the control of the Congress. It might suspend any officer and order a court-martial whose sentence was to be final unless otherwise decided by the Congress. Finally, it was given discretionary power to do everything it judged necessary for the security and defense of the Province, provided this did not involve the alteration or suspension of any act of the legislature. To render its power effective it was authorized to draw on the treasury for any sum necessary for the public service. The members were to meet but once in three

<sup>3</sup> For the proceedings of these committees, Col. Rec. of N. C., IX. and X.

<sup>4</sup> Jones' Defense of the Rev. Hist. of N. C., p 199.

months, unless circumstances compelled more frequent sessions. Ten shillings a day were allowed them for expenses. Any vacancy in the Council in the recess of Congress was to be filled by vote of the Committee of Safety of the district in which the vacancy had occurred.<sup>5</sup> The commission of this Board bears a close resemblance to that given by South Carolina to her Council of Safety in the previous June, and it seems probable that it may have been modelled upon it.

Below the Provincial Council came District Committees of Safety consisting of a President and twelve other members who were to sit quarterly in the chief towns in their respective districts.<sup>6</sup> They were to be chosen by ballot in the Provincial Congress by the representatives of the different districts. Under the control of the Provincial Council they were to direct the militia and other forces of the Colony. They were to receive information and punish offenders both as a court of original jurisdiction and also as a court of appeal from the town and county committees.<sup>7</sup> No person holding a military office except in the militia could act either as a member of the Provincial Council or of a Committee of Safety. Full power was given to both bodies to compel debtors, who were suspected of being about to leave the province with debts unpaid, to give security to their creditors, or in default of this to cause the person or property of the delinquent to be seized and held until the creditor received satisfaction. The same power was given to the county committees in cases of twenty pounds or under. The Committees of Safety were further authorized to call all persons liable for public money to account and compel payment by imprisonment and seizure of estates.<sup>8</sup> The power of both Provincial Council and Committees of Safety was to last during the recess of Congress and until further order

<sup>5</sup> Col. Rec. of N. C., X. 208, et seq.

<sup>6</sup> Namely Wilmington, Newbern, Edenton, Halifax, Hillsborough and Salisbury. Col. Rec. of N. C., X. 208.

<sup>7</sup> Col. Rec. of N. C., X. 208, et seq.

<sup>8</sup> Ibid, X. 210.

was taken in the matter by that body. Their proceedings were to be laid before it for inspection.<sup>9</sup>

Finally came the Town and County Committees. In each county the freeholders were to elect yearly a committee of twenty-one as a County Committee. In the three largest towns in the province, Edenton, Newbern and Wilmington, Town Committees of fifteen were to be chosen. In the smaller towns, which had the right of representation in the Provincial Congress, committees of seven were to be chosen. Permission was given these Town and County Committees to act together if they saw fit. The Committees were to execute within their precincts all orders and resolutions of the Continental and Provincial Congresses and of their district Committees of Safety. Each Town and County Committee might make such regulations for its own section as it saw fit, save that no corporal punishment, except imprisonment, might be inflicted. It was thus hoped that the tarring and feathering that had disgraced the Colony might be made a thing of the past. No person was to be allowed to commence any lawsuit without leave from the County Committee, and no suit then pending could be continued without its consent. From each Town and County Committee a subcommittee of seven persons was to be chosen by the members to act as a Committee of Secrecy, Intelligence and Observation, which was to correspond with the Provincial Council, the Committees of Safety, and the other committees in North Carolina and neighboring colonies. They were to take up all suspected persons and if necessary send them to the Provincial Council or Committee of Safety.<sup>10</sup>

This schedule, complete and well organized as it seems, was in reality but a compromise and half-way measure. The importance of the local committees which had possession of the field made the Convention feel, whether rightly or not, that it was impossible to put at once a controlling cen-

<sup>9</sup> Ibid, X. 210, et seq.

<sup>10</sup> Ibid, X. 212.



tral executive over the Province.<sup>11</sup> A Council meeting but once in three months could not endanger the independence of the local committees. Moreover its duties, as far as specifically outlined related chiefly to the army. The function of the District Committees was similar, save that the duty of arresting and punishing delinquents was added. It was the Town and County Committees that were especially delegated to carry out the laws of the Colony, to control the courts, to govern and police the districts. The system differed from that adopted by other colonies, where the provincial Council of Safety, besides caring for and directing the army, was intrusted with the execution of the acts of the legislature, and the county committees were used as agents, by the central Council, to carry the plans of the government into effect in the localities.

The Provincial Council met for the first time October 17, 1775, a little more than a month after the adjournment of the Congress. It was in session but five days. It next came together in December and was content with a sitting of a week. Its third and last session began on February 28, 1776, and ended March 5. Meeting at such considerable intervals and so soon dispersing, it was unable not only to become the leading power in the Province but it could not give that close personal attention to the multifarious details of the military establishment which characterized many of the other provincial Councils. Many of its duties fell of necessity to the army officers and to the other committees, to the loss of a consistent and economic regulation of the whole. When neither Congress nor Council was in session<sup>12</sup> there was no central government and the Province presented a condition of decentralization that boded ill if a strong attack should be made by the British.

The Council employed its short sessions in making some provision for the troops. All the flour and pork for sale in

<sup>11</sup> Jones, *Defense of Revolutionary Hist. of N. C.*, 199.

<sup>12</sup> The next Provincial Congress did not meet until April 4, 1776.



the Province was engaged by it, and the export of pork, bacon, rice and peas forbidden, unless salt, arms and ammunition were brought in return.<sup>14</sup> Commissioners were appointed at the different ports to give permits for this limited trade.<sup>15</sup> Certain of the Council chartered vessels and undertook the importation of ammunition, while three armed ships were fitted out to protect the trade.<sup>16</sup> Friends of the cause were asked to buy all the powder, saltpetre and sulphur possible for public use and place it in the hands of the Town and County Committees.<sup>17</sup> A large committee was appointed to purchase materials and engage workmen to make and mend guns. The gun carriages were repaired and the guns mounted.<sup>18</sup> The Council also appointed commissaries and paymasters for the troops and supplied them with money.<sup>19</sup>

Although general orders were issued by the Council to the two continental battalions to oppose the landing of any hostile force, the Board was not called upon during the time it was in session to deal with any attack. The attempt was made to isolate Governor Martin completely, that he might not stir up opposition to the new government among the loyalists. The Committees of Wilmington and Brunswick and the officer of the troops at Cape Fear were recommended to cut off personal communication from the shore to the "Cruizer" and to examine all letters to the Governor. The Wilmington District Committee was authorized to stop the supply of provisions to the ship, whenever it was found expedient.<sup>20</sup> In a few cases the Council tried and punished Tories,<sup>21</sup> but they were left generally to the discretion of the local committees. The Council recommended that all suspects should be disarmed and required to take oath to oppose neither the Continental nor Provincial Congress, nor to aid

<sup>14</sup> Col. Rec. of N. C., X. 471.

<sup>15</sup> Ibid, X. 473, 474.

<sup>16</sup> Ibid, X. 288, 352, 353.

<sup>17</sup> Ibid, X. 359.

<sup>18</sup> Ibid, X. 290, 355.

<sup>19</sup> Ibid, X. 284, 285, 287, 290, etc.

<sup>20</sup> Ibid, X. 350, 351.

<sup>21</sup> Ibid, X. 349, 359, 471.

the British in any way.<sup>22</sup> Little attempt was made to direct or regulate the local committees.

The District Committees of Safety were not active bodies. The Province was not large enough, nor its affairs complex enough to call for this additional machinery which the Congress had placed between the Council and the County Committees. They had no basis in necessity and answered no purpose which might not have been as well fulfilled by the central Council in giving directions and the county committees in co-operating to fulfill them. As six unrelated bodies the Committees of Safety could not take the direction of the Province while the Council was not in session. The Town and County Committees took charge of their localities with no need of outside assistance. The fact that the Council found it necessary to order some of these District Committees to meet is a sign they found no business ready to hand, that demanded their attention.<sup>23</sup>

The Town and County Committees on the other hand were active and energetic. The Wilmington Committee collected all the guns in town, bought all the lead that the place afforded, to run into balls, employed a powder-maker, furnished him with saltpetre and sulphur and set another workman at the task of making cartridges.<sup>24</sup> It saw that the inhabitants drilled in the militia, it protected the channel by sinking boats, and prohibited supplies from reaching the "Cruizer," before the Provincial Council took order in the matter.<sup>25</sup> Orders were given for no ship to load or to clear from the port without its permission or that of a higher power. When danger threatened, its District Committee was asked for troops.<sup>26</sup> It was dangerous to question its acts, for reflections on its proceedings or disobedience to its orders were punished with imprisonment, and release was granted only on bonds given for good behavior. Strict ac-

<sup>22</sup> Col. Rec. of N. C., X. 472, 476.

<sup>23</sup> Ibid, X. 294, 362.

<sup>24</sup> Ibid, X. 328, 337, 348, 426.

<sup>25</sup> Ibid, X. 332, 335, 336.

<sup>26</sup> Ibid, X. 334, 337, 389.

count was kept of those who refused to sign the test.<sup>27</sup> Its consent was necessary to the prosecution of a law-suit, and a man who had been imprisoned by a creditor without the Committee's permission was set free.<sup>28</sup> In the other counties and towns work of a similar character went on, each putting its precinct into a position of defense, regulating the business of the courts and the affairs of the people.<sup>29</sup>

When danger threatened from the Scotch Highlanders of the back districts, who, at the command of Governor Martin, had gathered to the King's standard and started, on February 17, 1776, on their march to the coast, the Provincial Council was not in session. Neither did it see fit to summon its members to meet the crises, but left it to the local committees. The District Committees gave orders to their militia officers to march, the County Committees co-operated,<sup>30</sup> and at the battle of Moore's Creek, February 27, 1776, the force of the Highlanders was completely broken. The Provincial Council met the next day and participated in the affair only so far as to offer to the troops a vote of thanks.<sup>31</sup>

The fourth Provincial Congress which met at the call of the Council in April, 1776, struggled to form a new constitution, but the conservatives and radicals differed so strongly over the provisions of the instrument that the matter was postponed until fall. The Congress contented itself with remedying the faults in the system already in existence. The District Committees of Safety were dropped. In place of the Provincial Council a Council of Safety was created of the same size and chosen in the same way as its predecessor. It was, however, to be a more permanent body, to sit from "day to day" from the adjournment of the present Congress to the meeting of the next. The members were

<sup>27</sup> Ibid. X. 410, 411, 418, 427.

<sup>28</sup> Ibid. X. 262.

<sup>29</sup> The Committee of Surry county undertakes the suppression of all Immorality and vice, all kinds of sporting, gaming, betting and wagering. Col. Rec. of N. C., X. 251.

<sup>30</sup> Col. Rec. of N. C., X. 440, 444, 465.

<sup>31</sup> Ibid. X. 475.

allowed twenty shillings, "proclamation money," for their services.<sup>32</sup> It was vested with full authority to do all acts necessary for the defense and protection of the Province, but this jurisdiction was carefully limited to exclude it from altering, suspending or abrogating any resolution of the legislature, from emitting bills of credit, from levying taxes or from laying duties on exports and imports, from giving orders on the Continental treasury (except on urgent necessity and then for no sums over £30,000), from erecting any offices, or courts, from judging any civil or criminal offense, except where a resolution of the Congress gave it special permission. It could, however, examine and commit persons suspected of enmity to the cause and restrain any from leaving the Province by sea.<sup>33</sup> Full power was given the Council to establish Courts of Admiralty at Edenton, Newbern, Bath and Wilmington and to appoint their judges. It was also to appoint commissioners at different ports to see that the continental and provincial restrictions on commerce were carried out. It was further enabled to compel all collectors of public money to account for the same, and to see that the proper amount was paid to the Treasurer.<sup>34</sup> The Council was elected on May 11, 1776; and it was directed that its votes should be taken by districts.<sup>35</sup> Any one considering himself aggrieved by an order or determination of the Council had leave to appeal against it to the next Congress, while the Council served as final judge in complaints brought against the Town and County Committees.<sup>36</sup>

The Council of Safety while not sitting without interruption, was in session the greater part of the time from June 6 to October 25.<sup>37</sup> It had no fixed abode, but sat at intervals in different parts of the Province. The arrange-

<sup>32</sup> Col. Rec. of N. C., X. 581.

<sup>33</sup> Ibid., X. 280.

<sup>34</sup> Ibid., 580, 581, 589.

<sup>35</sup> Ibid., X. 581, 582.

<sup>36</sup> Col. Rec. of N. C., X. pp 586, 587.

<sup>37</sup> It was in session from June 5-July 16; July 21-August 28; September 6-September 13; September 27-October 25.

ment was advantageous in bringing the central government into view of the people, but must have hampered it in receiving information from outside the section in which it was, since no one knew exactly where it was to be found.<sup>38</sup>

The Council's work resembled that of its predecessor, but was much more effective. It acted as chief executive of the Province. Its greater permanence made it the true head of the State in the recess of the legislature and enabled its supervision to extend to matters of more detail. It also gave the localities greater oversight.<sup>39</sup> It labored steadily to provide arms, ammunition and salt for the troops. Some supplies came in through trade, some were furnished by the Continental Congress on the Council's application, but North Carolina relied largely upon manufacturing for herself what she needed. It was a great undertaking for a poor colony, entering upon a struggle with a rich and powerful nation, to establish and encourage manufactories of arms, powder, salt and saltpetre. The policy, however, was adopted by the Provincial Congress and faithfully carried on by the Council, which furnished the undertakers with money to start their business, encouraged them with bounties and sent even to the Northern States for workmen.<sup>40</sup> The promotion of these industries bore heavily upon the people and we find the Council enumerating it among the causes which had involved the Province in a load of debt well-nigh insupportable.<sup>41</sup>

Governor Martin did not again threaten the State with civil war or with British troops, and the forces of North Carolina only saw service during this period in assisting Virginia and South Carolina against the depredations of the enemy's ships and in putting down an Indian rising on the western frontier. The Council issued orders to the officers to aid the neighboring colonies or to subdue the

<sup>38</sup> Col. Rec. of N. C., X. p 825.

<sup>39</sup> Ibid, X. pp 641, 644, 670, 682, 693, 698, 706.

<sup>40</sup> Col. Rec. of N. C., 620, 630, 645, 829, 877.

<sup>41</sup> American Archives, 4th Series, VI. 1077.

Indians, but did not seek to control their movements further or to direct the campaign.<sup>42</sup>

In the fall of 1776, General Lee succeeded in antagonizing the Council by arbitrary interference with the North Carolina troops. Lee felt that the battalions of Georgia and South Carolina should be completed as soon as possible and therefore gave authority to their officers to enlist men for the purpose from the regiments of North Carolina and Virginia.<sup>43</sup> This was done, and coming to the ears of the North Carolina Council aroused natural indignation and opposition. The Council was willing to send troops to aid its neighbors, but not to let them completely out of its control. A resolution was passed condemning Lee's action, and General Howe was ordered to reclaim those soldiers of the State that had already enlisted and remand all North Carolina troops then in Georgia to their own State.<sup>44</sup>

Privateering was popular in North Carolina and the Council issued letters of marque and reprisal to persons who would undertake it, while employing armed vessels for the State to cruise against English merchantmen.<sup>45</sup>

The Council freely exercised its right to try and to punish Tories. Some were imprisoned, some paroled within a certain district; others were liberated on giving bonds for good behavior or simply taking the oath of allegiance.<sup>46</sup> In spite of the prohibition of the Congress the Council assumed jurisdiction over certain criminal cases. Counterfeiters were abundant and were arrested and tried before the Council.<sup>47</sup> That body also took charge of the case of a horse and slave thief and of a man accused of assault and battery.<sup>48</sup> Although the Council stepped directly outside its legal bounds the Congress took no notice of the infringement. Probably the necessity of the time pled as

<sup>42</sup> Col. Rec. of N. C., X. 683, 689, 827.

<sup>43</sup> Ibid., X. 795.

<sup>44</sup> Ibid., X. 880.

<sup>45</sup> Ibid., X. 637, 638, 875, 877.

<sup>46</sup> Ibid., X. 622, 627, 683, 691, 697, etc.

<sup>47</sup> Ibid., X. 635, 638, 686, 688, 892.

<sup>48</sup> Col. Rec. of N. C., X. 688, 689, 693.



excuse. In fact during the existence of both Provincial Council and Council of Safety the legislature did not review their acts, but accepted them without comment. The Council must have been generally satisfactory to the people, for there is no record of any appeal against it.

November 12, 1776, the fifth Provincial Congress came together and succeeded in framing a constitution which vested the executive in a Governor and Council of State, appointed by the legislature. The Council of Safety had come to an end when the Congress met. To provide therefore for the executive department until the first General Assembly, a Governor and Council were appointed by the Congress, by ordinance.<sup>49</sup>

<sup>49</sup> Ibid, X. 1013.



### 3. SOUTH CAROLINA.

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The Revolution in South Carolina was initiated by a minority. Its sponsors were the mechanics and artisans, the lesser tradesmen and the ambitious young lawyers of the coast. The more influential merchants opposed a movement that threatened to overthrow the prosperity they enjoyed, in spite of the Navigation Acts. South Carolina was well governed and had no grievance against the Crown. The interior, with its large population of Germans, Welsh, Irish, and Scotch-Irish, also held aloof. Commercial restrictions did not interest them and they drank little tea. They held their land grants from the Crown and did not care to jeopardize them at the bidding of Charleston agitators. Moreover, the poorer interior had few dealings or little sympathy with the coast. The representation of the former had been inadequate in the General Assembly, their earnest petitions for law courts for their protection had not been granted, and they had grown accustomed to managing their own affairs with little regard for the low country.<sup>1</sup> Their sympathy with the revolutionary movement was for some time of the slightest. It was fortunate for the radicals that the royal Governor was too timid to take advantage of his opportunities and that no British army was sent to the Province in the early part of the struggle or they must speedily have fallen. As it was their pathway was precarious and their success a matter of wonder.

The first Provincial Congress called by a number of Charleston gentlemen to consider the Boston Port Bill met July 6, 1774. It appointed a General Committee of ninety-nine persons to represent them until the next meeting, to

<sup>1</sup> Ramsey: *Revolution in S. C.*, Vol. I., Ch. I. McCrady: *S. C. under Royal Government*, Chapters 21, 23, 24, 28 ff. McCrady: *S. C. in the Revolution*. Simms: *Hist. of S. C.*, p 179, et seq.

carry out their resolutions and to correspond with other colonies. The Congress had been controlled by the inhabitants of the city and was in no way representative of the Colony. The Committee, therefore, to remedy this obvious sectionalism, provided on its own responsibility for representation from the upper districts,<sup>2</sup> in the following meetings. This representation was for a time, however, more nominal than real. The writs were sent to influential Whig gentlemen who saw that men of proper political complexion were returned, sometimes prominent leaders of the coast being elected by the interior. Moderates and radicals struggled for control of the conventions, and votes were bitterly debated. Delegates were sent to the Continental Congress and a provisional government framed for the Province.

The news of the battle of Lexington, announcing that armed resistance was a fact, caused the General Committee to summon the Provincial Congress to meet at Charleston on June 1, 1775, to consult upon the steps proper to be taken. The Congress adopted vigorous measures. An association was formed by which each man pledged himself to defend the liberty and safety of the Province with his life and fortune, whenever called upon. Those who refused to sign and accept this pledge were to be answerable before the General Committee.<sup>3</sup> Fifteen hundred infantry and four hundred and fifty horse rangers were voted, while to defray the expenses of the military establishment a million pounds of paper were to be issued to rest on no greater security than the enthusiasm and confidence of the people. On June 14 a Council of Safety of thirteen members was appointed in which was vested supreme power over the militia and all military affairs. It was to grant commissions, suspend officers, order court-martials and do everything necessary to regulate and maintain the army. It was granted authority to draw on the treasury for all purposes of public

<sup>2</sup> McCrady: *South Carolina under Royal Government*, Chapters 38, 40, 41.

<sup>3</sup> *Amer. Archives*, 4th Series, II. p 897.

service, to stamp and issue the paper money and liquidate and pay all public accounts against the Colony. It was in general to act as the executive of the new government. The Congress arranged for the election of its successor and adjourned on August 6.<sup>4</sup>

The position of the Council was difficult. The Provincial Congress had adopted a policy of armed resistance; it remained for the Council to make the vote more than an expression of opinion. The army was to be enlisted and embodied, the people satisfied as to the expediency of the undertaking and the different sections of the Province brought into co-operation. This under more favorable circumstances would have been no easy matter, but in the divided state of public opinion was peculiarly hazardous. It was uncertain whether the orders of the new government would be respected or scorned. Many no doubt shared the opinion of a certain Charles Webb, that these men were a set of "Mechanical, Ignorant Rascals, and that they consisted of Butchers, Tailors and Cobblers."<sup>5</sup> Moreover, the Council itself was far from a unit. The royal Governor, newly arrived, was a guest of one of the members. Conservatives and radicals were represented in such nearly equal numbers that it was unable to put forward a settled policy, but presented a vacillating attitude, calculated to bring the new government into disrepute. The more moderate looked with dislike on any measure that threatened to bring open war. They considered themselves a forlorn hope and did business with the cheerful feeling that a halter was tightening around their necks.<sup>6</sup> Resistance being decided upon it was no time to dwell on consequences, and those who drew back from the struggle impeded and weakened the whole Council.

But this was not the only difficulty. The Indians were an important factor and their friendship must be gained

<sup>4</sup> Drayton's Memoirs, Vol. I. p 255.

<sup>5</sup> Moultrie's Memoirs, Vol. I. p 66.

<sup>6</sup> Moultrie's Memoirs, Vol. I. p 74.

and kept, if possible, in spite of the efforts of Governor Campbell and his agents to attach them to the British. Moreover, the fortifications of the Colony were in the hands of the enemy, and ammunition and other war stores were lacking to the insurgents.

Owing to the pressure of business the Council began its meetings as early as June 16, and at once commissioned the officers which Congress had appointed for the troops.<sup>7</sup> It was proposed at first to issue the commissions in regular form under seal, but to the majority of the Council this savored too much of independence and certificates of appointment were substituted.<sup>8</sup> Orders were given for a part of the troops to be enlisted and a contract made to supply them with provisions.<sup>9</sup> A supply of powder was imperative. The Secret Committee had already taken the first step to this end and showed the way. This Committee had been appointed the preceding January and had been directed to "procure and distribute such articles as the present insecure state of the interior parts of this Colony renders necessary, for the better defense and security of the good people of those parts, *and other necessary purposes.*" Behind this vague wording was hidden a purpose well understood by the members, the seizure, namely, of the public military stores, an object that the Committee undertook and accomplished successfully without loss of time.<sup>10</sup> The same Committee now entered into another venture, without the knowledge or authority of the Council of Safety, to procure a larger supply. Two captains with forty men were dispatched to Georgia to lie in wait for an English ship laden with powder, known to be bound for that Province. The two captains co-operated with the leaders in Georgia, equipped a schooner, captured the English vessel and took seven thousand pounds of powder.<sup>11</sup> This adventure being at length dis-

<sup>7</sup> Col. of the S. C. Hist. Society, Vol. II. p 22, et seq.

<sup>8</sup> Drayton's Memoirs, Vol. I. p 265.

<sup>9</sup> Col. of S. C. Hist. Soc., Vol. II. pp 25, 26, 27.

<sup>10</sup> Drayton's Memoirs, I. p 221, et seq.

<sup>11</sup> Ibid, 271.

closed to the Council of Safety, it was much pleased, and a portion of the powder was forwarded to aid the insurgents at the north.<sup>12</sup>

The Council then adopted a similar policy, though not without opposition from the more timid members. A sloop was fitted out and Captain Lempriere put in command. He was ordered to sail to the island of New Providence and seize all the powder that he might find there.<sup>13</sup> Before he could accomplish his quest, he received orders from the Council to give his attention first to the capture of a vessel from London, freighted with powder, which would put in at Saint Augustine.<sup>14</sup> Lempriere complied, the ship was found, and being ignorant of the commencement of hostilities, easily overpowered. Seventeen thousand pounds of gun-powder were taken from her.<sup>15</sup> Some ammunition was obtained without violence. The Council contracted with a manufacturer for five hundred pounds, and encouragement was offered to importers of war stores.<sup>16</sup>

The Council wished to know and to control whatever military supplies the Colony afforded. The Secret Committee therefore was ordered to buy up all the ball and shot in Charleston, and was further directed to examine and make return of the number and condition of all public arms and put those that were injured in repair.<sup>17</sup> The officers provided for the further equipment of the militia, at public expense.<sup>18</sup>

<sup>12</sup> Col. of the S. C. Hist. Society, II. p 40.

<sup>13</sup> Ibid, II. p 62.

<sup>14</sup> This order caused Henry Laurens, President of the Council, much uneasiness, and he sent a letter of his own to Lempriere, explaining that the honorable gentlemen of the Council of Safety had been too anxious to get to bed that night to properly consider the instructions sent him. Now that they were safely on their pillows he took the liberty of desiring that Lempriere negotiate first for the sale of the gunpowder, instead of taking it by violence, an act of war. Lempriere with these double orders probably let circumstances guide his action, and seizure proving easy took that means. S. C. Hist. and Gen. Mag., Vol. I. pp 66, 67.

<sup>15</sup> Drayton's Memoirs, Vol. I. p 305. Moultrie's Memoirs, Vol. I. pp 78, 79.

<sup>16</sup> Col. of the S. C. Hist. Soc., Vol. II. pp 26, 35.

<sup>17</sup> Ibid, Vol. II. pp 54, 57.

<sup>18</sup> Ibid, Vol. II. p 29.

The presence of the British men-of-war in Charleston harbor caused great apprehension among the inhabitants, and their slightest movement spread the report that an attack was imminent. It was necessary, therefore, to provide defenses for the town. Fort Johnson, commanding the entrance to the harbor, had been evacuated by the loyalists and occupied by order of the Council of Safety, September 15, 1775,<sup>19</sup> but further than this the Council as a whole was unwilling to go. The conservatives insisted on postponement and delay, and all that could be accomplished was a vote that Dorchester be fortified as an asylum in case Charleston should be attacked and taken.<sup>20</sup> Little was done even in pursuance of this resolution except to provide a powder magazine.<sup>21</sup>

The General Committee<sup>22</sup> tried to rouse the Council and pressed on it the obvious necessity of the defense of the Colony's chief city. The only result was the mounting of a few cannon. The Committee persevered and the Council at length agreed to give the city some protection, in order, as one of its members publicly declared, to make possible some terms of capitulation when the ships saw fit to turn their guns on the place.<sup>23</sup> The work went no further than the repairing of a platform or two. In September the Committee again came forward with a plan to erect batteries at salient points and thus force the King's ships from the harbor. The Council finally agreed, Henry Laurens giving the casting vote, but directly after the meeting one of its number was busy circulating a petition that the project be abandoned, as it would needlessly molest the British and bring destruction on the town. The signatures seem to have been obtained by unfair means, and many signers

<sup>19</sup> Moultrie's Memoirs, Vol. I. p 86, et seq.

<sup>20</sup> Col. of S. C. Hist. Society, Vol. II. p 31.

<sup>21</sup> Drayton's Memoirs, Vol. I. p 319.

<sup>22</sup> This committee still continued in existence although its place had practically been supplied by the Council of Safety. Such duplication of duties was not uncommon in the confusion of the time. In practice the General Committee was subordinate to the Council of Safety.

<sup>23</sup> Drayton's Memoirs, Vol. I. p 320.



came and asked that their names be struck off, but it was gladly accepted by the Council as a sufficient excuse for letting the whole matter drop.<sup>24</sup>

The Council realized that it did not represent the wishes of a united people, that the frontier looked on sullenly at the changes on the coast and had lifted no hand to aid in them. It was necessary to gain, if possible, the leaders in these districts to the Whig side, before they were secured by the Governor, and to explain to the rank and file the motives of the policy of resistance.

Attempts were made from time to time to bring prominent and influential residents of the interior to declare themselves for the American party, and two Germans were sent by the Council to win over their countrymen.<sup>25</sup> These efforts proved fruitless and at length William H. Drayton, a member of the Council of Safety, and the Rev. William Tennant were sent to explain the merits of the American position to the back districts, and impress them with the necessity of union. As protection against the possible ill-will of the inhabitants they were authorized to call on the militia for support.<sup>26</sup> It was found impossible to accomplish their mission by argument, entreaty or threat. The people would hear nothing of a movement in which all might be lost and little could be gained, and looked with suspicion on the emissaries of the rebellion.<sup>27</sup> Instead of acquiescence the delegates were met with armed resistance and it was not until the insurgents had seen the muskets of the Whig militia which Drayton at once called into service that they consented to come to terms and the necessity of bloodshed was avoided.

The Council, unwilling as usual to trust to vigorous measures, had written Drayton to discharge his militia as

<sup>24</sup> Gibbs: *Documentary Hist. of the Rev.* p 200. Drayton's *Memoirs*, Vol. II. p 55, et seq.

<sup>25</sup> *Col. of the S. C. Hist. Society*, II. p. 31.

<sup>26</sup> *Ibid.*, II. p 54. Salley, Orangeburg County, p 404.

<sup>27</sup> Drayton's *Memoirs*, II. p. 325, et seq. *Amer. Archives*, 4th Series, III. pp 214, 622. Salley, Orangeburg County, p 282, et seq.

soon as possible. It hesitated to give him sufficient powers to make an effective stand against the Tories, and to make a treaty. He only obtained these powers by a vote of four to three, and it was probable if the treaty had not been speedily completed that they would have been rescinded.<sup>28</sup> The Tories in the treaty signed September 16, 1775, promised not to aid the British in any way, but were not forced to sign the Association and so kept a position of neutrality.<sup>29</sup>

The Indians were early a subject of solicitude. It was important to gain them, lest British influence bring on the terrors of an Indian war. A talk for the Catawbias was given by the President of the Council to two of their runners who had come to the coast to find the cause of the present commotion. They were told of the rapacity of the Great King who now demanded four deerskins of his people for goods formerly sold for two, and if this were submitted to, the inevitable rise in price it would occasion in the goods the Indians bought from the colonists.<sup>30</sup> Drayton in his tour met a delegation of the Cherokees, made them presents and exhorted them to keep friendship with the Americans.<sup>31</sup> He further promised that ammunition should be sent them for their hunting, and on his return the Council forwarded to them a thousand weight of powder. This was captured by Patrick Cunningham and his followers. Cunningham was one of the back country Tories who had been angered at the arrest of his brother by the new government.<sup>32</sup> The story was spread that the Council was rousing the Indians to fall upon the Non-Associators, and was supplying them with powder for the purpose. In spite of the authoritative denial of this absurd story by the next Provincial Congress,<sup>33</sup> it found ready credence, both sides armed and a civil war seemed again near. But the important leaders of the loyalists did not take part

<sup>28</sup> Drayton's Memoirs, Vol. I, p. 396, et seq.

<sup>29</sup> Gibbes: Doc. Hist. p. 186.

<sup>30</sup> Col. of the S. C. Hist. Society, II. p. 32.

<sup>31</sup> Drayton's Memoirs, I. p. 407.

<sup>32</sup> Affidavit of Moses Cotter, Moultrie's Memoirs, I. p. 97.

<sup>33</sup> Gibbes Doc. Hist., p. 210.

in this rising. Its forces were poorly organized and bound in no firm union. They were the first to ask for terms before they had measured strength with their opponents, and hostilities ceased with the agreement that all public difficulties be submitted to the late Governor Campbell and to the Council of Safety.<sup>34</sup> Colonel Richardson, who commanded a separate division of the Whig forces, refused to consider himself bound by this agreement and pressed on through the interior making prisoners of the leaders of the disaffected and sending them to Charleston. Many were influenced to deliver up their arms on the promise of receiving protection. In this way the last sparks of the insurrection were trodden out.<sup>35</sup> Nothing came of the proposed conference between Governor Campbell and the Council.

The Council was obliged to direct the forces of the interior from a distance and experienced all the inconvenience which such separation entailed. It was obliged to issue orders in general terms and leave much to the discretion of the officers. Correspondence was necessary to keep Council and army in touch, and time was wasted and movements delayed while expresses traveled the road to Charleston and back.

The discipline of the army suffered from the weakness of the provincial government, which had to meet the lawlessness that the overthrow of established authority entails. The volunteer regiments in Charleston refused obedience for a time to a proclamation of the Council, subjecting them to martial law.<sup>36</sup> The rangers commanded by Colonel Thomson demanded from the Council a change in the terms under which they had enlisted, on the ground that the supplying their own food had proved distasteful and they desired the Province to assume the expense. The Council wisely returned a determined refusal, fearing that the petition, if granted, would lead to greater demands. The Charles-

<sup>34</sup> Gibbes Doc. Hist., p. 214.

<sup>35</sup> Drayton's Memoirs, II, p. 126, et seq.

<sup>36</sup> McCrady, S. C. in the Rev., p. 62, et seq.

ton militia drew no pay, while the rangers received twenty pounds a month. There was, therefore, no reason for dissatisfaction, and discipline required that the terms on which the enlistment had been made should be kept. Drayton was at length able to content the troops by promising that the labor of seeking food should be lessened as far as possible by encouraging persons to bring in and sell provisions in the camp.<sup>37</sup> On another occasion Colonel Moultrie of the Second South Carolina regiment wrote to question the right of the Council to grant a subordinate officer leave of absence, and the Council was obliged to insist on obedience in this matter and to justify its action by reference to the powers it received from the Provincial Congress.<sup>38</sup>

Captain Kirkland coming to prefer the side of the Tories resigned his commission and disbanded his company, telling them the cause in which they had enlisted was bad, and advising them all to return home.<sup>39</sup> Nor did Kirkland's interference in the camp stop here. He had a long private conversation with a Captain Polk, with the result that that commander left the army as well. He was ordered by his superior officer to bring to the camp the powder that had been left in Fort Charlotte. He refused to obey and discharged his troops, claiming that as their commander he would not sacrifice them to "any Council of Safety's parading orders." He was ready to go, he said, if there were any necessity, but it appeared to him that there was none, and he would not undertake it. Soon after he left the camp with his company. How effective any campaign could be made when inferior officers made themselves judges of the advisability of movements is easily seen.<sup>40</sup>

Nor was this Committee wholly successful in dealing with that very necessary but rather unreliable portion of the governmental machine, the local committee. In Octo-

<sup>37</sup> Correspondence of Col. Thomson and Council of Safety, Salley, Orangeburg County, p 408, et seq.

<sup>38</sup> S. C. Hist. and Gen. Magazine, Vol. I. p 94.

<sup>39</sup> Ibid, Vol. I. p 69.

<sup>40</sup> S. C. Hist. and Gen. Mag., Vol. I., No. 1, pp. 69, 70. Polk soon repented, however, returned, and was again given a command.

ber, 1775, the Committee of the township of Saxe Gotha saw fit to detain the powder sent by the Council to the Cherokees on the ground that the members had heard that the frontiersmen would not let it pass. Henry Laurens at once ordered them to release the powder, in a letter full of indignant protest. "The affairs of the colony," he wrote, "must be reduced to a precarious situation, when such information . . . . . is to supersede the orders of those who are authorized and required to do everything which shall seem to them expedient. . . . . for the defense. . . . . of the colony. How do you think public business can be conducted if the orders of men properly authorized and who devote their whole time to public service without fee or reward are to be thus interrupted and impeded? . . . . . Public business cannot be conducted with benefit. . . . . if we are to account for our motives and proceedings to every man in the colony."<sup>41</sup>

On another occasion the Council fatally wounded the sensibilities of the Committee of Little River. It appears that this Committee desired that a certain Daniel Robbins be advertised as a public enemy. Robbins had refused to appear before the Committee to answer to the charges against him and had been referred by it to the Council of Safety. Much to the Committee's surprise the Council had cleared him. The Committee, therefore, feeling that such disregard of its opinion must render it "despicable" in the eyes of Robbins, who seems to have regarded its dignity all too lightly, determined that as a body it should no longer live to be thus insulted, and with much dignity informed the Council of Safety that it would act no more in that capacity. These incidents, petty as they seem, show the obstacles that constantly impeded the attempt to make the central government effective in the localities. The Provincial Congress called by the General Committee met on November 1, and took the Province from the Council's hands. The journals of its proceedings were

<sup>41</sup> S. C. Hist. and Gen. Magazine, Vol. III, p. 77, et seq.

inspected and it was itself resolved into a committee to adjust and settle all outstanding accounts against the State.<sup>42</sup>

The Congress, while experiencing moments of vacillation, displayed more courage and activity than the Council. A stand was finally made against the fleet, two passages of the harbor were blocked and the officers at Fort Johnson ordered to oppose with force any British ship attempting to go by their post.<sup>43</sup> November 16, a new Council of Safety was appointed of thirteen men, many of the members being the same men that had previously filled the position. The powers of the General Committee and of the Parish and District Committees were at the same time revived and continued.<sup>44</sup>

The duties of this second Council were definitely defined and limited, since the Congress did not wish the vigorous measures it had taken during the session to be tampered with. It was considered, moreover, imperative to bring a greater degree of order and responsibility into the government.<sup>45</sup> The Council was given power to direct, regulate and maintain the land and sea forces, but was to be always subject to the control of the Provincial Congress. It might appoint all officers except generals, and fill vacancies in the army and navy and in the treasury department. Any officer might be suspended by it, but a court-martial for his trial must be ordered within forty days. Officers might be removed by the Council after a just inquiry had been made into the complaints against them. No money was to issue from the treasury except by the Council's orders. A general authority to do everything necessary for securing, strengthening and defending the Colony was given, but restricted by the provision that no act or resolution of the Provincial Congress might be dispensed with on that account. The delegates of the Colony to the Continental Congress were added to the Council, while all persons hold-

<sup>42</sup> Amer. Archives, 4th Series, IV, p. 29.

<sup>43</sup> Ibid. IV, p. 45.

<sup>44</sup> Ibid. IV, p. 56-70.

<sup>45</sup> Drayton's Memoirs, II., p. 83.



ing military commissions were debarred from a seat therein. Vacancies were to be filled by the General Committee. The Council was to continue until the end of the next session of the Provincial Congress.<sup>46</sup> Drayton says of this appointment: "Men now, with well-founded hopes, looked forward to happy results, as the orbit in which the Council was to move, was extensively and clearly defined; and as they were prohibited from infringing the strong measures, which the Congress had brought into action."<sup>47</sup> The statement is a suggestive commentary upon the career of the preceding Council. The war was now well under way in the north, and the southern colonies having pledged themselves to share the fate or fortune of the whole, knew there was no drawing back.

The second Council of Safety of South Carolina was inspired with this feeling and acted with decision. The local committees were repeatedly ordered to prevent infringements of the Continental Association, even if it were necessary to sink the ships.<sup>48</sup> Georgia was urged and scolded into similar compliance and troops were sent to help her patriot party against the Tory majority.<sup>49</sup> Fortifications were erected, the British depredations checked and the captain of the British ship informed that unless the fugitive slaves he protected were released no provisions would be allowed him from the shore.<sup>50</sup> Sullivan's island, long a refuge for the negroes, was taken and defended, and its commanding officer ordered to open fire on any British ship that attempted to approach.<sup>51</sup> War stores were imported by the Council from the West Indies and seamen for the navy were sought for as far as New England.<sup>52</sup> The militia were

<sup>46</sup> Amer. Archives, 4th Series, IV., p 68.

<sup>47</sup> Drayton's Memoirs, II., p 116.

<sup>48</sup> Col. of the S. C. Hist. Society, III, p. 146.

<sup>49</sup> Ibid, III, pp 82:135. Drayton's Memoirs, II, p 228.

<sup>50</sup> Collections of the S. C. Hist. Soc., III, pp 75, 84, 89, 94.

<sup>51</sup> Ibid, III, pp 157, 168.

<sup>52</sup> Ibid, III, pp. 131, 199, 213.

embodied or dismissed as occasion dictated and were concentrated at Charleston, where an attack was feared.<sup>53</sup>

One important duty of the Council was to pay the accounts against the State. It was found that this took so much time from its administrative work that the Provincial Congress allowed it to set apart two days of the week at which time and no other these bills could be settled.<sup>54</sup>

Those delinquents that refused obedience to the authority of Congress or Council, or those whose influence among the disaffected made them objects of suspicion were dealt with by the General Committee and by the local and Parish Committees, not by the Council of Safety, as was so often the case elsewhere. Still the Council occasionally arrested at its discretion persons who were deemed injurious to the Colony.<sup>55</sup> The prisoners sent down by Colonel Richardson were humanely treated by the Council. Many were discharged on a confession of error and promise of future good behavior.<sup>56</sup> The proceedings of the court martials which the Council ordered were submitted to it for approval and it often interfered to mitigate the severity of the sentences.<sup>57</sup>

The Provincial Congress met February, 1776, and determined to create an organized government. South Carolina was free from the pressure of war, the opposition of the interior was silenced and it was therefore possible for her to take time to quietly frame a new constitution. The Council of Safety, together with the President of the Provincial Congress and two prominent military officers were appointed a committee to consider the expediency of the change.<sup>58</sup> Their report was favorable and a new constitution was framed, and adopted March 26, which vested the government in a General Assembly, Legislative Council, a

<sup>53</sup> *Ibid.*, III, p 169, et seq.

<sup>54</sup> *Amer. Archives*, 4th Series, V, p 574.

<sup>55</sup> *Col. of the S. C. Hist. Soc.*, pp. 72, 89, 124.

<sup>56</sup> *Ibid.*, III, p 176, 185.

<sup>57</sup> *Col. of the S. C. Hist. Soc.*, III, pp 138, 244, 245.

<sup>58</sup> *Amer. Archives*, 4th Series, V, p 567.

President, Vice-President, and Privy Council.<sup>59</sup> The Provincial Congress did not step aside to await the results of a new election but declared itself to be the General Assembly until the following October. A Legislative Council was chosen from its number and the two houses voted for the President, Vice-President, and Privy Council.<sup>60</sup> The new system went at once into operation and the Council of Safety passed out of existence.

<sup>59</sup> Amer. Archives, 4th Series, V, p 611

<sup>60</sup> Ibid, 4th Series, V, p 615.

4. GEORGIA.

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The weakness of Georgia, with her meager population and scanty resources, made it seem impossible that the Revolution could find or keep a foothold there. The movement was opposed or viewed with indifference by a majority of the people. The few leaders of the revolutionary party met however and sought to communicate their enthusiasm to the rest of the Colony. Savannah became naturally the center of the movement, and meetings of American sympathizers were frequent there. At one of these gatherings, on June 18, 1775, a Council of Safety of sixteen prominent citizens was appointed to see that the Non-Importation and Exportation agreement was carried into effect.<sup>1</sup>

The following month the second Provincial Congress of Georgia came together, and joined in the common cause by resolving to carry out the measures recommended by the Continental Congress and to adhere to the Continental Association. The Council of Safety appointed at the Savannah meeting was recognized and given authority in various matters, although there was no definite enumeration of its powers. The Congress voted that in its recess the Committee might issue certificates to the amount of £10,000. All such certificates were to be signed by the Treasurer and at least three of the Committee. Besides this important financial power the Council was to propose on any emergency such measures to the Continental delegates as would best serve the public good. It might also call the Provincial Congress together before the time appointed.<sup>2</sup>

Just previous to its adjournment the Congress ordered that the delegates from the town and district of Savannah with such other representatives as happened to be in the city

<sup>1</sup> Stevens' Hist. of Georgia, II, 101.

<sup>2</sup> Amer. Archives, 4th Series, II, 1551, 1553.

during the recess should be a General Committee for the Province, to superintend, direct and advise the parochial and district committees. To this committee also was given the power to call the Congress to an extra session if it saw fit.<sup>3</sup>

It is uncertain what position the Council of Safety was intended to occupy or what its relation to this General Committee was to be. It was not directed to carry on the affairs of the Province in the recess of the legislature or to execute its resolutions. Yet it seems impossible that a board given such authority in issuing money, and directing the policy of the Colony in the Continental Congress by advising its delegates should be created merely for these two purposes. These were powers which properly belonged to a committee intended to take charge of the government, and it may be that the Provincial Congress of Georgia considered that function to be understood to belong to the name, "Committee of Safety," so that no further definition was needed.<sup>4</sup> The form of the General Committee might seem to make it a better representative of the Congress in its recess than the Council. But the fact that its duty was definitely assigned to it and no mention made of such function is a strong objection to this view. Loose delegation of powers was characteristic of all the transitional governments. As the Council of Safety, as a matter of fact, did assume the chief place in the Province, it is reasonable to suppose this to have been the intention of the Congress.

A Council of Safety was appointed at the November session of the legislature and from then until April 1776, the government, in the recess of the legislature rested in its hands.<sup>5</sup>

As usual, the people having determined on resistance wished first to wrench away the chief weapon of the royal

<sup>3</sup> American Archives, 4th Series, II, 1553.

<sup>4</sup> At this time Committees of Safety were in operation in Massachusetts, New Hampshire, Pennsylvania and South Carolina.

<sup>5</sup> Stevens' Georgia, II, 126.

provincial government and gain control of the militia. August 8, the Council of Safety applied to Governor Wright to allow the militia companies to choose their own officers on the ground that those then acting were disagreeable to the men.<sup>6</sup> The Governor refused a request so destructive of military discipline, but he was unable to make his prohibition respected. The soldiers met and, disregarding their former officers, elected members of the patriot party to take their place. Commissions were issued to the new officers by the Council of Safety and the military force of the Colony was brought into definite dependence upon the revolutionary government.

The situation of Georgia was a difficult one. The Governor and Council and many of the wealthy planters were opposed to the movement. The Colony depended for prosperity on trade, and to cut this off entirely by enforcing the Non-Exportation and Importation Acts seemed suicidal. Danger threatened from marauding bands of the English from Florida, the sea-coast offered an attack for the British fleet, and the Indians in the back counties, deprived of their supplies by the interruption of commerce, were ill-tempered and promised trouble.

The Council of Safety determined to strike quickly and deprive the Tories of their leaders by securing the Governor and his Council. The arrival early in January, 1776, of three British ships with soldiers gave an occasion. The Council of Safety at once ordered the arrest of Governor and Council. Any citizens who refused to promise that they would refrain from aiding the enemy were to be disarmed.<sup>7</sup> The order does not seem to have been carried out in full but the Governor was surprised and easily taken. He was kept a prisoner in his own house until he made his escape to the King's ships. The provincial government was probably not ill-pleased to learn of his flight, since his pres-

<sup>6</sup> Stevens' Georgia, II, 134.

<sup>7</sup> Stevens' Georgia, II, 127, 128.



ence in the Province could never have been anything but a disturbing influence.

Georgia did not have within her borders arms and war stores sufficient to equip her soldiers and it was imperative to obtain them by trade. The Council of Safety therefore released from the Non-Exportation and Importation Agreement for nine months all ships trading with the produce of the Colony for saltpetre, sulphur, brass field pieces, or muskets. Three of its number were chosen to act as a Committee of Supplies, and were to see particularly that the Colony was furnished with a certain number of arms and a certain amount of powder, balls, and shot.<sup>8</sup>

In every other respect the Council was determined to enforce the commercial restrictions in spite of the opposition of the planters. The prohibition placed on exports by the Continental Congress having expired March, 1776, the Council of Safety continued it in Georgia, forbidding any ship, except those which were to procure war stores, to load with rice or other product of the Colony or to sail without the permission of the Council or the next Congress. To render disobedience impossible the ships then in the port of Savannah were to be dismantled.<sup>9</sup>

The Council was not strong enough to enforce obedience to this order, and therefore applied to South Carolina for aid. That Colony had for some time interested itself in impressing on Georgia the necessity of complying rigidly with congressional regulations and had observed how frequently they were violated. Colonel Bull had been already dispatched with militia to see that, with the concurrence of the Georgia authorities, the embargo there was made effectual. It was now possible to make the act appear as an answer to the request of the weaker colony.<sup>10</sup> Bull consulted with the Council on his arrival and at its desire posted guards in Savannah and its vicinity. The Council desired

<sup>8</sup> Ibid, II, 130.

<sup>9</sup> Hist. Collections of Georgia, p 90.

<sup>10</sup> Orders to Colonel Bull. Drayton's Memoirs, II, 228.

him to undertake the work of unrigging the ships, but Bull declined. It would make a better impression through the country if Georgia did the work herself, he said, and seemed not to depend on outside assistance. The Tories were already claiming that Carolina had taken possession of Savannah and meant to keep it. Nothing should be done therefore to give color to this assertion. The Georgia Council therefore sent its own militia and accomplished the work, while Bull stood ready to aid it at a moment's warning.<sup>11</sup>

At this time a few British ships of war were in the harbor, threatening an attack in order to secure provisions. Not knowing how far the strength and desire of the enemy could carry them the Council determined to give them but a barren victory. It was resolved if it was found impossible to hold the town and its shipping from the British that both should be burned and wholly destroyed.<sup>12</sup> The houses and ships of those friendly to the cause were appraised in order that the delegates of the Province in the Continental Congress might apply to that body to indemnify the owners. Those who refused to support the American cause or who abandoned the city in its time of danger were to be denied this privilege.<sup>13</sup>

The event gave little occasion for these drastic measures. The British were received on board certain merchant ships in the bay and the attempt made by the provincials, under the direction of the Council of Safety, to dislodge them led to the burning of the vessels and the precipitate flight of the enemy.<sup>14</sup>

In April, 1776, the Provincial Convention determined on a better organization of the government and a clearer definition of the powers of its officers. A President was accordingly constituted to have the highest executive and military authority. He was to be assisted by a Council of

<sup>11</sup> Letters of Colonel Bull, Mar. 15, 1776. Drayton's Memoirs, II, pp 212, 234, et seq.

<sup>12</sup> Hist. Collections of Georgia, p 88.

<sup>13</sup> Ibid, p 87, 90.

<sup>14</sup> Ibid, p 88, 89.

Safety of thirteen persons together with the five delegates to the Continental Congress, which was to act as his privy council and whose advice he was bound to ask and to follow.<sup>15</sup> The Council was thus placed as a check upon any attempt at irresponsible power. It is probable, however, that there was little friction between the President and his advisers, and that the management of affairs rested almost entirely and without question with the former. The person elected to the office was Archibald Bullock, a man respected and trusted in Georgia in the same way that Governor Trumbull was respected and trusted in Connecticut. This is further confirmed by the fact that when, at one time, the Province was in fear of a British attack and it was impossible to collect the whole number of the Council of Safety, as soon as was desirable, that body, by its own act, requested the President to take upon himself the whole executive power of the government, permitting him to call to his assistance any five persons whom he chose, whenever a sufficient number of the Council of Safety could not be convened.<sup>16</sup>

The provision for the government made by the Convention in April was intended to be only temporary and to serve until a new and complete constitution could be adopted. This was accomplished by February, 1777. The executive power was placed in a Governor and an Executive Council. On the adjournment of the Convention the Council of Safety was left to carry this government into effect. Archibald Bullock had died and the Council therefore elected Button Gwinnett as President to serve until the legislature should meet and choose a Governor under the Constitution.<sup>17</sup>

The Assembly met in May, 1777, and elected a Governor and Executive Council. The books and papers of the Council of Safety were given into their charge, and its existence came to an end.

<sup>15</sup> *Ibid*, p. 97.

<sup>16</sup> Stevens' *Georgia*, II, 155.

<sup>17</sup> *Ibid*, p. 300.

## CHAPTER IV.

### GENERAL VIEW OF THE CHARACTER AND WORK OF THE COMMITTEES OF SAFETY.

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In studying the Committees of Safety<sup>1</sup> the question arises how far they were an irresponsible executive able to act independently and to govern the people without check, or if responsibility existed, through what agency it was enforced. The Committees were usually given wide and indefinite authority; they were to carry on the government in the recess of the legislature, to act as a colonial executive and to take whatever steps they thought necessary for the public good. There could scarcely be a more elastic commission. It was permission to do as they pleased since no constitution set bounds to their activity, and whatever they determined upon, if not contrary to a resolution of the Provincial Congress was law. The "safety of the public" might plead again as it often had before to justify an arbitrary and despotic rule.

These circumstances seem to give the Committees of Safety unusual freedom as an executive. But there were other facts of their creation and organization that so far from allowing them an irresponsible position bound them to an even undesirable dependence upon the legislature. They were chosen by the Provincial Convention and at short intervals. Their brief term of service made it impossible to form or carry out any plans that did not meet with the approval of the legislature, or to make any attempt to cut themselves loose from that watchful and jealous body.

<sup>1</sup> While the terms Committee and Council of Safety are both used, the difference in title does not indicate a difference of character. New Hampshire's Committee of Safety, for example, is a body similar to South Carolina's Council of Safety.

Their frequent dissolutions prevented them from becoming a permanent body with interests and ambitions apart from the legislature, and an ability to maintain an independence of it. The Congress possessed an absolute power over the life of the Committees. It could dissolve them at any time and strike them completely from the system of government. It could alter their power and confine it within as narrow a compass as it chose. No Committee was certain that the authority it enjoyed would be continued. Neither could it tell whether its own acts would be allowed to stand, since the legislature was able to suspend or abrogate any decree or order it issued.

There was at this time no written constitution to protect the executive from the omnipotence of the legislative power. The former had nothing on which to rely to justify an independence of action, no assured field of activity where it could conduct affairs in its own way. The merging of all departments and the placing of all authority in the state in the Provincial Congress made it alone the center of men's interests and ambition. The members of the Committee were first members of the legislature and their new office did not deprive them of their seats. Their ideas and desires therefore, would be in sympathy with the majority that had chosen them, and having helped to frame the laws they would seek merely to carry them out in accordance with the wishes of the rest of the legislature. For these reasons, the Committees of Safety were dominated by the Congress and showed throughout their existence a strong sense of their dependence upon it. That the latter so rarely criticised their actions, and so often dispensed with reading their minutes, is evidence that the Committees performed their duties in harmony with the wishes of the parent body.

Another important set of circumstances further limited the Committee's power. It was obliged to rely upon the local county and town committees to carry out its meas-

ures, for there were no state officials to whom it could give its orders and whom it could call to account for disobedience. Instead it was obliged to trust the good-will and fidelity of these semi-independent boards which it was impossible to coerce to obedience. These county committees were elected by the people, at the recommendation of the Provincial Congress. But the central government had no means of enforcing authority over them. They occupied in fact, much the position that the separate colonies held toward the Continental Congress. These county committees called variously, Committees of Safety, of Inquiry, and of Inspection, were tenacious of their local supremacy and stood as a complete barrier against any attempt at centralization which must precede any practical exercise of independence in a central executive. The local committees, as a whole, did in general co-operate with the Congress and Committee of Safety and made it possible for the revolutionary machinery of government, disconnected and unusable as it became at times to finally accomplish its ends. In the heat of common enthusiasm and patriotism the parts were welded for the time. If the Revolution had been merely the plan of a few leaders, it would have been impossible for it to have made headway, since voluntary co-operation was the source of whatever unity existed.

It is difficult to tell in what light the Committees of Safety were viewed by the people as a whole. The authority to arrest, try and punish all suspects gave the Committee arbitrary power over the people and property of each individual, and those Tories who fell into its hands, hated it as the agent of an irresponsible tyranny. Among the Whigs the presence of the Committee of Safety in the governmental system seems to have given rise to little comment. The reason for this is probably found in the dominance of the Provincial Congress throughout the transition period. The Committee was regarded only as the agent of the legislature. It did not have that independence of jurisdiction



and width of individual power which would have set it distinctly before the people as a body which touched their interests in a separate way or which ruled a separate field of political life. In accepting the Congress the people accepted its executive committees and seem to have merged them in approval or condemnation.

The chief concern of the Committee was with the war and the colony's defense. In some cases it was Commander-in-chief of the militia. The position was ill-suited to so large a body, composed usually of civilians, although in some of the northern states militia officers were allowed upon the board. It is hard to tell how capably it filled the position. Lee has a sneer for the timidity of New York's Committee, and is exasperated at the over-caution of Virginia's. "Their distribution of their troops is likewise a masterpiece" he writes. "I wonder they did not carry it still further and post one or two men by way of general security in every individual gentleman's house."<sup>2</sup> The localities were often responsible for an injudicious scattering of the colony's forces by insisting that detachments should be sent them for protection. The Continental troops were outside the Committee's province, but their officers often consulted its members upon the best plan of campaign within the province and relied upon them to supply the troops with food and lodging.

The Committees of Safety of neighboring colonies were in frequent correspondence. South Carolina warned and instructed Georgia. Virginia and Maryland concerted plans for common defense. Massachusetts advised New Hampshire. Troops were asked for and sent, ammunition and cannon were borrowed, the best method of making salt-petre was communicated, and the latest news of the progress of the British or of the probable destination of their fleet was forwarded. In this way the colonies kept in touch with each other, and the Committees of Safety replaced to some

<sup>2</sup> Spark's Revolutionary Correspondence, Vol. II, p. 485.

extent the old Committees of Correspondence. They were too busy, however, to write except when some necessity urged, and no general correspondence on the state of affairs in the different provinces was carried on. Such matters were discussed in the letters that the Committees often sent to their delegates in the Continental Congress, telling them of their needs, asking their advice, and soliciting money and war stores, giving them usually also an account of how matters had progressed in their absence. In return they were provided by Congress as far as possible with what they wished, and the delegates wrote them of the deliberations and plans of the central body, of the situation of the country as a whole, the strength of the British, and the victories and losses of the Americans. So that Philadelphia became the point to which all news was sent and from which it was again distributed.

The requisites of a good executive are unity, secrecy and dispatch, and there is no time when these are more imperatively demanded than when the country is engaged in war. That a single magistrate is the most effective head of a government, and embodies those qualities to the highest degree is generally conceded. It was inevitable that the executive must suffer in efficiency when placed in the hands of a body like the Committee of Safety. It was hindered by its size. The Congress in its attempt to make the Committee representative of the whole province made the membership too large. Conservatives and radicals opposed each other at its sessions and prevented promptness of decision and quickness of execution. It was necessary to deliberate and compromise when action should have been taken at once. These facts gave rise to the charges of inaction and timidity which were sometimes made against the Committee, and were due rather to its organization and structure, than to the character of the men composing it. Yet so deeply rooted was the jealousy of the colonial governor that it was im-

possible to expect the revolutionists to reinstate at once the single executive.

The people placed on the Committee the leaders of the province, those men who were most active in the revolutionary movement and were capable of administering affairs. Such men were John Hancock, Joseph Warren, Robert Morris, Charles Pinckney, Charles Carroll, John Dickinson, and Benjamin Franklin. These men gave their time and strength willingly to the cause and worked untiringly for the defense of their province. Often no pay was given them, often they were obliged to take depreciated paper. Their prominence lent them little present advantage and exposed them to a special danger if the war ended in defeat.

The success of the Revolution is to a much larger degree than is often realized the work of these Committees. They were in control at a critical time. In 1775 the feeling of opposition to England was widespread and a wish to appeal to arms was prevalent. But it was necessary to forge from this intangible emotion and desire some effective weapon of resistance. The Congresses might resolve to embody troops; it rested with the Committee to really bring an army into the field, to furnish it with ammunition, to give it food and clothing and deliver it into the hands of the officers. Without the concrete activity of the Committee of Safety the votes of the legislature would be without significance and the victories of Washington unknown. It was no easy task that the Committees undertook, as we have seen. They were obliged to overcome the inertia that attends the starting of any movement; to contend against incredulity, fear, and discouragement until they could make results justify their acts. The Committee placed opposition on an effective basis, and the state government merely continued the work it had begun.

In spite of its faults the committee system worked well. Granted that the legislature must be the supreme and only power in the central government of the province, the Com-

mittee of Safety was a serviceable means of getting the executive duties of that body performed.<sup>3</sup> Like the modern English cabinet it represented the majority in the legislature, not by being reformed whenever it ceased to command their approval, but by its frequent elections which made it possible to leave out at those times men who had shown themselves to be no longer in harmony with the stronger party. The members of the Committee were members of the legislature and could know its wishes and the way in which it desired to have them fulfilled. From their seats in the house also, the members of the committee could explain and justify any of its measures. The Congress often reviewed their acts and the Committees were thus responsible to it for what they did. If the legislature had realized the meaning and possibilities of this system there might have been developed in the different states a form of government similar to that which England enjoys today. But the idea of the three departments of government acting separately and independently, and kept from encroachments on each other by an ingenious system of checks and balances had deep root in the minds of the Americans of the eighteenth century as the most perfect mode of government, however they might violate it in practice. The Committees of Safety were regarded merely as a temporary and abnormal expedient and had proved themselves in no way the superior of a single executive. When the time came to frame the new constitutions it was natural that the three-fold division of departments should find place in all of them, and that a Governor should be placed at the head of each state.

<sup>3</sup> The Committee of Safety was not, of course, the only executive of the province. The Provincial Congresses chose Committees of Supplies, of Inspection, etc., besides committees appointed at intervals for special purposes. The relation between these committees and the Committees of Safety was not well defined and their powers sometimes conflicted, but the latter was looked upon as the chief executive of the province.

## CHAPTER V.

THE ORIGIN OF THE COMMITTEES  
OF SAFETY.

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The problem of the origin of the Committees of Safety is rendered somewhat complex by the fact that we are not considering a political institution whose characteristics are clearly defined by constitutional limitation or by well understood customary law. On the contrary the foregoing narrative has shown that the Committee of one province might differ from the Committee of another, and both from the council of a third. Not only this but the Committees and Councils of the same province varied in character and finally the same Committee in a province might take on new powers in the course of its existence. This divergence of form, the offspring of a political necessity forced to shape the means at hand to ends as quickly, rather than as logically as possible, makes the finding of a common ancestry for the Committees more difficult. The matter may be simplified, however, by eliminating minor differences, and by choosing salient features thus obtaining something which may serve as the typical Committee of Safety whose origin we shall try to trace. Thus considered, the Committee or Council of Safety appears as a group of men chosen by a revolutionary legislature to act as its chief executive and to take its place during a recess or dissolution.

Two sets of questions arise in connection with the origin of the Committees:

First. Where did the colonists get the idea of calling their revolutionary executive a Committee or Council of Safety?

Second. Were these Committees copies of a like institution that had previously existed, or were they modifications and adaptations of colonial institutions, or were they new devices of the colonists to meet a new situation?

The presence of Committees of Safety in the Puritan Revolution in England and the similar political situation of England and America in 1642 and 1775 suggests a connection between the revolutionary expedients in government of the two. It was natural for the colonists to look to the mother country for precedent and example. The wide extent of England's influence over her dependencies needs no demonstration. The colonists replanted in the new world her laws and institutions. Their small assemblies were parliaments to them, and in their constant struggle with the royal governors in the eighteenth century they felt they were but imitating the contests of the Stuart parliaments, holding that in the person of their representatives they were entitled as freeborn Englishmen to the prerogatives to which the English parliament had attained. The proceedings of the assemblies followed a parliamentary model, and Professor Jameson has shown that the standing committees which were in use outside New England were directly imitated from the English system.<sup>1</sup> When, therefore, a crisis like the American Revolution came, the colonists would look naturally to England for justification of principle and precedent for action. The writers of the time are quick to liken George III. and Charles I., to commend their cause by identifying it with that of Pym and Hampden. It is probable also that American statesmen would call to mind how Parliament in battle against her King, and deprived of an executive, met the problems set by a situation so similar to their own. A brief study of the English Committees of Safety will show the likeness they bore to the American.

The summer of 1642 brought the final parting of King and Parliament. Charles set up his standard and both sides

<sup>1</sup> Origin of the Standing Committee System in American Legislative Bodies: J. Franklin Jameson, *Polit. Sc. Quar.*, Vol. LX.



prepared for war. To remove the discussion and formation of plans of action from the whole legislature where long debates would have checked progress, Parliament appointed committees to advise upon such matters and to make reports. To supply the need of executives, other committees were chosen to perform particular commissions, or to take charge of a certain department. Thus there were Committees for Quartering Soldiers, for Receiving and Answering Dispatches, for the Counties, for Superintending the Collection of Money and Plate, for the Affairs of Ireland, for the Navy and Customs, etc.<sup>2</sup> July 4, 1642, at the suggestion of the Commons, the Lords appointed five men and the Commons ten to be a Committee to take into consideration whatever concerned "the Safety of the Kingdom, the Defense of the Parliament, and the Preservation and Peace of the Kingdom, and the means of opposing any hostile force." The Committee was to meet as often as it pleased.\* Its function, it is seen, was advisory in character, but unlike the former committees its commission embraced the oversight of the whole kingdom. Like a modern ministry it was to suggest whatever measures seemed best for the country in the crisis, though it was not necessarily the agent to carry out these measures. Unlike a ministry this Committee of Safety, as it came to be called, put forth no well defined policy but merely suggested means of meeting needs that rose from day to day. It reported on measures proper to be taken before the adjournment of Parliament, and the number of committees that should be allowed to stand, with the power that its own Committee should have during the recess. It considered the means of raising soldiers and recommended officers including the Commander-in-chief. It advised Parliament on the means of getting war supplies. It also undertook the composition of important papers for the legislature, preparing at one time a Declaration for the Instruction of the people, and at another the heads of an

<sup>2</sup> Commons' Journal, Vol. II, p. 825.

<sup>3</sup> *Ibid.*, p. 651.

address to the King. It gave directions to local committees, and advised the disarming of the ill-affected.<sup>4</sup> The activity of the Committee was not concerned merely with giving advice. At Parliament's order it performed important executive duties. It was not given general authority over any department, each act being done at the special bidding of Parliament, but the nature of the trusts it received raised it to the position of chief executive of the realm. It bought arms and ammunition and distributed them. It raised and forwarded troops and saw that exposed points were protected. It corresponded with Lord Fairfax and in the temporary absence of the General took charge of the army. It was often ordered to issue warrants on the treasury to pay the soldiers or satisfy some other claim against the state.<sup>5</sup> In spite of its importance, the Committee of Safety had no control over the other executive committees.<sup>6</sup> Each was dependent directly upon Parliament. The Committee of the Two Kingdoms chosen February 7, 1644, displaced the Committee of Safety.<sup>7</sup>

The resemblance between the English Committee and the American Committees of Safety is marked. Both acted as the chief adviser of the legislature. Both were concerned in raising and distributing men and supplies, in order to put the territory under their supervision in a state of defense and maintain it there effectively. The general commission to act for the safety of the people as seemed best to them, that was characteristic of most of the American Committees, was lacking in the authority of the first English Committee of Safety, but was supplied in those of subsequent appointment, now to be considered.

June, 1647, Parliament faced a discontented and suspicious army, which it had created but could not control, an

<sup>4</sup> Commons' Journal, Vol. II, pp. 651, 654, 655, 683, 703, 719, 743, 812 905, etc.

<sup>5</sup> Commons' Journal, Vol. II, pp. 761, 838, 839, 902, 940, 944, 948, 967, 1003, etc. Memorials of the Civil War. Fairfax Correspondence.

<sup>6</sup> Of these the most important were "For Bringing in Money," "For Examining Prisoners," "For Ireland," "For Navy and Customs."

<sup>7</sup> Commons' Journal, Vol. III, p. 391.

army determined to force toleration from a Presbyterian Parliament unwilling to grant it, and ready to march on London if necessary. While busy with negotiation and intrigue to procure delay, Parliament prepared at the same time for its own defense. July 11, 1647, it chose a committee of twelve Lords and twenty-four Commons to join with a committee of the London militia, to care for the defense of City and Parliament and to suppress all insurrection and tumult. It might execute any plan which it thought necessary for the safety and defense of the kingdom, could raise horse and foot, and command the advice and aid of all other committees and officers. It was to report daily to Parliament, and to continue in power one month.<sup>8</sup> The association of this Parliamentary Committee with the militia was a new feature but this naturally grew out of the peculiar situation of Parliament, dependent as it was for safety on the support of the militia of the city where it held its sessions. The Committee set to work with energy, seeking officers that were willing to enter Parliament's service and issuing enlistment orders for new troops. But owing to the failure of the City to co-operate, its efforts were in vain. The citizens feared the advancing enemy, and Parliament found not only that no reliance could be placed on them, but that they were making terms with Fairfax. Parliament of necessity therefore accepted the agreement by which the army consented to remain at Saint Albans, if the warlike preparations against it should cease. Parliament annulled the enlisting orders, discharged the troops already gathered, and brought the work of the Committee of Safety for the time to an end.<sup>9</sup> A month later, when the threatening attitude of the army again alarmed Parliament, the Committee

<sup>8</sup> Commons' Journal, Vol. V, pp. 207, 208, 209. The Lords at first wished to give these powers to the Committee for Ireland, which had come to be regarded as the chief executive (Godwin, Commonwealth of England, Vol. II, p. 329), but at length acquiesced in the proposal of the Commons for a new Committee (Commons' Journal, Vol. V, p. 208).

<sup>9</sup> Godwin: Commonwealth of England, Vol. II, p. 345. Rushworth: Collections, Vol. VI, p. 557.

was revived to prepare for defense, only to yield as impotently as before to the advancing forces of Fairfax that entered the city on August 7th.

Twelve years passed before a Committee of Safety<sup>10</sup> was again used. When the Long Parliament was restored in 1659 it appointed, on May 7th, six of its own members and three military officers<sup>11</sup> to be a Committee of Safety, to take "especial and effectual care of the Preservation of the Peace and Safety" of the Commonwealth. Their commission was to last for eight days, a time, it was thought, long enough to serve for the creation of a permanent Council of State.<sup>12</sup> The Committee, as a whole, had charge of the army, and might remove and replace officers at will. It could at any time command the treasury.<sup>13</sup> Those members that had seats in Parliament enjoyed the privilege of nominating candidates for the highest civil offices, including the new Council of State, and of settling their salaries. An enormous power of patronage was thus put in their hands.<sup>14</sup> The Committee was continued from May 14 until May 23, as the Council of State, whose duties the Committee was active in framing, was not ready to sit until the latter date. It then yielded its place to the new executive.

The last Committee of Safety of the Revolutionary era was chosen October 26, 1659, by the General Council of the army that had overthrown the Parliament it had helped install a few months earlier, and had assumed control of the state. It consisted of twenty-three men, thirteen officers and ten civilians. This Committee was to be for the time the entire civil government, and might order what it pleased for the safety of the state.<sup>15</sup> Ludlow says that the officers agreed

<sup>10</sup> The Committee was appointed July 30, 1647. Commons Journals. Vol. V. pp. 260-263. Rushworth: Collections, Vol. VI. p. 653. Ranke: History of England, Vol. II. pp. 493, 494.

<sup>11</sup> These were Major Gen. Lambert, Col. Desborough, and Col. Berry (Ludlow: Memoirs, Vol. II. p. 793).

<sup>12</sup> Commons' Journal. Vol. VII, pp. 646, 647. Ludlow's Memoirs, Vol. II, p. 79.

<sup>13</sup> Ibid.

<sup>14</sup> Commons' Journal, Vol. VII, pp. 648, 659.

<sup>15</sup> Commons' Journal, Vol. VII, pp. 654, 658. Mercurius Politicus, 1659-60; pp. 819, 827. Ranke: Hist. of Eng., III, p. 257.

to respect the commands of the Committee as long as it did what the army prescribed. This stipulation, whether openly made or not, was in accordance with the army's desire that the civil government should represent its will alone.<sup>16</sup> The Committee's power was not to be permanent. Within six weeks, if possible, it was to devise a suitable form of government to take its place. The life of the Committee was brief, though extending somewhat over the time allotted. It was disliked and distrusted by the people as the offspring of military violence. It could not gain the City, and, most important, it was unable to convince General Monk, who commanded the English forces in Scotland, of the legitimacy of its position. Deserted at length by the very soldiers of the army that created it, it gave way of necessity before the Rump Parliament that resumed its sittings on December 26.

The likeness of the English and American Committees of Safety in appointment and duties is apparent without further comment. The Committee of 1642 is like the Committees of Massachusetts or Virginia. Later ones find their parallel in the Councils of Safety of Vermont, in the last appointment of New York or the third and fourth appointments of Pennsylvania. It seems fair to say, in the absence of evidence to the contrary, that the Puritan Revolution gave the American colonists the name of their revolutionary executive and served as a partial precedent for the institution of similar committees. It may be objected that a too great interval separates the English and American Revolutions for the expedients of the one to pass to the service of the other. But the appearance of Committees of Safety in Boston and New York in 1689 shows that the institution was not forgotten in the interim. The news of the landing of the Prince of Orange, brought to Boston April 4, 1689, greatly stirred the common people. Hope of their old charter, distrust and hatred of Andros made them impatient to overthrow his gov-

<sup>16</sup> Ludlow's Memoirs, Vol. II, p. 131.

ernment. The prominent and influential citizens were more conservative. They resolved to remain quiet until the success of William was assured, but if the people rose of their own accord to guide the movement.<sup>17</sup>

April 18, the rising took place; the people took arms and imprisoned the chief officers of the government. True to their agreement the prominent citizens, including many of the magistrates under the old charter, met at the Council House to act on the situation and Andros was compelled to surrender the government to them. They associated with them twenty-two of the other prominent citizens, and took the name of the Committee for the Safety of the People and Conservation of the Peace.<sup>18</sup> Their situation was similar to the Committee of Safety chosen by the army in October, 1659. In both cases the previous government had been overthrown and the agents of the change took this means of ruling the state until a better organized government was possible. It may have been in direct imitation of the last English Committee that the Massachusetts men took their title, but that Committee had been thoroughly discredited before its extinction and was less liable therefore to be copied. It is more probable that the name was taken as a generic term furnished by the period for a revolutionary body of administrators. Chalmers says<sup>19</sup> that the "famous name of a Council of Safety" was adopted in Massachusetts showing that the English Committees were well remembered.

The Massachusetts's Committee of Safety took entire charge of the government, with the understanding that it was to be a temporary expedient. Mr. Bradstreet was chosen President and Waite Winthrop Commander-in-chief. The Committee issued orders from time to time for the regulation of the people, and undertook, probably under popular pressure, the disbanding of the troops that were engaged in

<sup>17</sup> Andros Tracts, II, III. Life of Rev. C. Mather, by his son. Quoted in Memorial History of Boston, Vol. I, p. 12.

<sup>18</sup> Andros Tracts, I. An Account of the Late Revolution in New England, by Nathaniel Byfield.

<sup>19</sup> Hutchinson: Hist. of Mass. Bay, Vol. I, p. 382.



the unpopular task of guarding the Maine frontiers. But its authority was weak, and there was need of a more settled government. May 22, a Convention of the different towns in the Province voted to resume the old charter and the rule of the Committee ended.<sup>20</sup>

The Revolution in New York took its origin from that of Boston. The news of the Massachusetts rising reached New York on April 26, exciting the people with the dangerous example of the successful overthrow of authority. The government in New York wrote the "Gentlemen in Power" in Massachusetts, asking the release of Andros. The Committee of Safety refused, replying with a justification of its action, and an explanation of its mode of government.<sup>21</sup> The Dutch were devoted to the Prince of Orange and were angry that Governor Nicholson delayed to acknowledge him in New York. Absurd rumors were afloat that the Catholics would burn the city, and that Nicholson had threatened to set the fire and massacre the inhabitants.<sup>22</sup> A popular rising took place on the last of May, 1609, headed by Leisler, a German militia captain. The fort was taken and Leisler proclaimed that he held it for William and Mary until called on by them for its surrender. Nicholson abandoned resistance and sailed for England to make complaint.<sup>23</sup> Leisler, in the meantime, to give his usurpation legal color, called a Convention from the neighboring towns. Eight towns beside New York were represented. In imitation of the Boston leaders these delegates, sixteen in number, styled themselves a Committee of Safety.<sup>24</sup> Although it was the nominal government from June to December, the Committee was in reality merely the obedient exponent of Leisler's will. He was made by it Commander of the fort and later

<sup>20</sup> Hutchinson: *Hist. of Mass. Bay*, Vol. I. Palfrey, *History of New England*, Vol. III.

<sup>21</sup> *N. Y. Hist. Soc. Col.*, 1868, pp. 250-251. Hutchinson's *History of Mass. Bay*, Vol. I, p. 384-386.

<sup>22</sup> *N. Y. Col. Docs.*, Vol. III, pp. 593, 594, 640. *N. Y. Hist. Soc. Col.*, p. 292.

<sup>23</sup> *N. Y. Col. Doc.*, Vol. III, pp. 585, 595, 638, 639, 670.

<sup>24</sup> *N. Y. Col. Doc.*, Vol. III, pp. 597, 608, 617. Wm. Smith: *Hist. of N. Y.*, p. 58.

commissioned Commander-in-chief of the Province. December 10, he took the title of Lieutenant-Governor, and the day following chose his Council from his adherents, who had been members of the Council of Safety, and that body disappeared.<sup>25</sup> As in the case of Boston the rising in New York brought the Puritan Revolution to mind. A contemporary wrote of the members of the new Committee of Safety that they were the greatest Oliverians in the government, some openly declaring there had been no legal king in England since Cromwell's days.<sup>26</sup> Colonel Bayard, one of Nicholson's Council, declared the new Committee of Safety to be a power and authority "never suffered or exercised in any of the reigns of their Majesties most glorious ancestors, unless in time of rebellion."<sup>27</sup>

The name appears once more before the Revolution, in Vermont, in 1770. In 1764 the New Hampshire Grants, as Vermont was then called, passed from New Hampshire to New York, and the inhabitants were ordered by the latter Colony to take out new patents for their land. On their showing no disposition to obey, their land was regranted to patentees from New York. In 1770, suits for ejectment were brought by New York against settlers under grants from New Hampshire, and the Supreme Court at Albany refused as evidence the royal orders and instructions to the Governor of New Hampshire to grant land in that region, or the actual grants made to settle there.<sup>28</sup> These settlers, finding it impossible to obtain a recognition of their land titles, met in convention and resolved to resist the encroachments of New York by force. They therefore formed themselves into a military association with Ethan Allen as commander. Committees of Safety were appointed by the chief towns, whose special duty was to resist any intrusion of New York claimants on their lands.<sup>29</sup> The Committees met from time to

<sup>25</sup> N. Y. Col. Doc., Vol. III, pp. 656, 676.

<sup>26</sup> *Ibid.*, Vol. III, p. 617.

<sup>27</sup> *Ibid.*, Vol. III, p. 643.

<sup>28</sup> Hillard Hall: *Hist. of Vermont*, chapters X and XI.

<sup>29</sup> Ira Allen: *Hist. of Vermont*, p. 25. Vermont Hist. Soc. Col., Vol. I, p. 5.

time in convention, when some danger threatened, to consult upon and adopt measures for common defense. Persons found transgressing the resolutions of this body were brought before the individual Committees, tried and punished.<sup>30</sup> These Committees of Safety were in active operation at the opening of the Revolution, and probably raised the first troops that the New Hampshire Grants furnished for the war.<sup>31</sup>

Besides English precedent the provinces had at their service experience of their own from colonial days. Here, as ever, one may safely say that the Anglo Saxon did not create an institution out of hand but adapted familiar materials in its construction.

The colonists outside New England had long been familiar with the system of standing committees, such as the Committee of Elections, of Public Claims, of Religion, of Justice, etc. They were chosen by the Assembly and were responsible to it.<sup>32</sup> In New England the system does not appear except in the case of the Grand Committees or Councils of War of Connecticut. They were appointed at intervals from 1673, included the Governor, Deputy-Governor and Assistants, and some of the Deputies. These were vested during the recess of the Assembly with power to raise, equip and direct the troops, and came to have nearly the same powers as the Assembly itself.<sup>33</sup> Besides these committees, there were in all the colonies special commissions, appointed by the Assembly, for executive duties that constantly hemmed in the Governor's prerogative, so that Governor Glen of South Carolina wrote, in 1748, "Almost all places of profit or trust are disposed of by the General Assembly.....The executive part of the government is lodged in different sets of commissioners.....

<sup>30</sup> Ira Allen: *Hist. of Vermont*, pp. 32, 44, 47, 49, 51.

<sup>31</sup> *Records of Gov. and Council of Vt.*, Vol. I, p. 33, note.

<sup>32</sup> *Origin of the Standing Committee System in American Legislative Bodies*, by J. Franklin Jameson, *Polit. Science Quar.*, Vol. IX, No. 2.

<sup>33</sup> *Public Rec. of Conn.*, Vol. II, especially p. 204 and note 205.

.....The above officers,<sup>34</sup> and most of the commissioners are named by the General Assembly and responsible to them alone.”<sup>35</sup> These commissioners in time of war, took charge of the money voted by the Assembly and often exercised considerable control in raising and supplying troops, appointing and removing officers.<sup>36</sup> The Maryland Assembly declared in 1757 that its troops were to be under the command of no one but agents appointed by itself while the Assemblies of New Hampshire and Massachusetts, at the same time sent their agents directly to the front to better direct the forces.<sup>38</sup> In the Seven Years’ War the Rhode Island Legislature chose a Council of War with general direction of military affairs.<sup>39</sup> In 1757 the Board of Trade wrote of Massachusetts that almost every act of executive and legislative power, whether political, judicial or military was ordered and directed by votes of the General Court, in most cases originating in the House of Representatives. A similar statement was made by the same Board about New York in 1752.<sup>40</sup> It will thus be seen that the Assemblies were no novices in performing executive duties, and that the Committees of Safety merely carried on for the Provincial Congresses work that these committees and commissions had already made familiar.

In the years just previous to the Revolution, the discontent of the colonists found expression in the appointment of town, county and provincial Committees of Correspondence. These provincial Committees of Correspondence were in session during the adjournment of the legislature, and kept up the colonial agitation in a manner none too pleasing to the royal Governor. The provincial Committees were not as

<sup>34</sup> Besides the commissioners there were a treasurer, commissary, comptroller of duties and powder receiver. Ecclesiastical preferment was also in the hands of the Assembly.

<sup>35</sup> S. C. Hist. Soc., Vol. II, pp. 303-304.

<sup>36</sup> Green: *The Provincial Governor*.

<sup>37</sup> Md. Archives, Vol. IX, p. 100.

<sup>38</sup> Mass. Prov. Laws, Vol. III, pp. 940, 963, quoted by Green, p. 191.

<sup>39</sup> R. I. Col. Rec., Vol. VI, p. 146. N. H. Prov. Papers, Vol. VI, pp. 363-371, 506-520.

<sup>40</sup> Mass. Prov. Laws, Vol. IV, pp. 95-96. *Chalmer's Revolt*, Vol. II, p. 255. Quoted by Green, *Provincial Governor*.

active as the local Committees of Correspondence but they corresponded with those of other provinces, and were the first channel of communication of the Continental Congress with the colonies, a place taken later by the Committees of Safety. When war became more imminent, these Committees disappear as the growing multiplicity of business led to a division of duties among several bodies, of which the Committee of Safety came to be the most important.<sup>41</sup> Such was the origin of the Committee of Safety from the earlier provincial committee system.

Another source was the colonial Governor and Council, Executive power was nominally in the hands of this body, however much it was restricted in reality by the Assembly. It also represented the government in the recess of the legislature. In the absence of Governor and Deputy-Governor, the Council performed these functions alone. The colonists in forming their revolutionary executive were undoubtedly influenced by these facts, and for this reason the name Council of Safety appears often, instead of Committee, it being held that like the former Councils it was merely taking the place of the Governor during his unavoidable absence. One further point remains to be considered. Were the Committees of Safety spontaneous creations of each province, or were those of later appointment framed at the recommendation of and in imitation of those chosen earlier, or were they, finally, influenced by any suggestion of the Continental Congress? We are left without direct answer to this question. The commissions given the Committees are similar in character, and it is possible that such leading colonies as Massachusetts and Pennsylvania, whose Committees were appointed earlier, may have exercised some influence over their neighbors. William Drayton, a prominent member of South Carolina's Committee of Safety, makes the statement that that Colony originated the Councils of Safety.<sup>42</sup> If by this he

<sup>41</sup> Committees of Correspondence: E. D. Collins. *American Historical Association Reports*, 1901, Vol. I.

<sup>42</sup> Quoted in the preface of *Memoirs of the Revolution*, by John Drayton.

means that South Carolina was the first colony to have a body of that character, or that she devised a system copied by the rest, he would seem to be mistaken. Massachusetts, New Hampshire and Connecticut each had such an executive before South Carolina, and there is no evidence that those of the more northern colonies were framed with any reference to that Province. In fact, the slowness and difficulty of communication of the times render the opposite more probable. If, however, Drayton implies only that South Carolina was the first to use the term "*Council of Safety*," this is true, and if he means further that South Carolina's influence may have suggested the expedient to the neighboring provinces, this also is very probable, considering the influence that South Carolina exerted over these provinces throughout the war.

On July 18, 1775, the Continental Congress recommended to those colonies still without them, the appointment of Committees of Safety to direct and superintend all matters necessary for the security and defense of their respective colonies, in the recess of their Assemblies and Conventions. Five colonies were at that time without them, Rhode Island, New Jersey, Maryland, Virginia and North Carolina.<sup>45</sup> In all these colonies Committees were soon appointed, so that the central government had its share in suggesting their formation and in giving uniformity of title.

<sup>44</sup> Force: American Archives, 4th Series, Vol. II, p. 1885.

<sup>45</sup> Vermont is not included, as her separate existence was not, of course, recognized by Congress.



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The Provincial  
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